सत्यमेव जयते
न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग/**Department of Empowerment of Persons with Disabilities (Divyangjan)**
सामाजिक न्याय और अधिकारिता मंत्रालय/**Ministry of Social Justice & Empowerment**
भारत सरकार/**Government of India**
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Case No: CCPD-AD-0072/2026

In the Matter of

Complainant

Shri Jayanta Barua (F/o Argho Barua)

Versus

Respondent

1. The Chairman, Central Board of Direct Taxes
2. The Director General of Income Tax

1. Gist of the Case

1.1 The Complainant, Shri Jayanta Barua, a Joint Director of Systems at DGIT submitted a grievance against his transfer order dated 30.06.2026, which directed him to join DGIT (IT Systems), Bengaluru, with a compliance deadline of 10.07.2026. He contended that his child, Master Argho Barua, has a 40% specific learning disability (dyscalculia) and has recently cleared the Class XII standard examinations and that the critical, high-stakes admission process for undergraduate courses for the 2026–2027 admission process is actively underway but remains unfinalized across various premier institutions in Delhi as well as NALSAR, Hyderabad. It is further submitted that both the Complainant and his spouse, Smt. Abhilasha Barua, are concurrently employed by the Income Tax Department within the Delhi station, and their synchronized joint presence is structurally indispensable to afford continuous therapeutic, educational, and emotional scaffolding to their ward during this fragile transitional phase. The Complainant submitted that a sudden, relocation to Bengaluru would effectively dismantle this vital domestic care network, thereby severely jeopardizing the child's ongoing clinical development and academic integration.

2. Notice of Admissibility

2.1 A Notice dated 08.07.2026 under sections 75 & 77 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016) was issued to the above-mentioned respondent for a hearing on 09.07.2026 in Hybrid mode to determine the admissibility of the case and find out if this can be resolved without a quasi-judicial intervention of this Court.

3. Hearing

3.1. A preliminary hearing was conducted on 09.07.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Jayanta Barua (F/o Argho Barua)	Complainant
2.	Shri Manish Gupta, Additional Director General (Systems)-5	Respondent

4. Record of Proceedings

4.1 During the proceedings, the Respondent establishment, represented by Shri Manish Gupta, Additional Director General (Systems)-5, contested that the impugned transfer was dictated by absolute administrative exigencies and executed after due human consideration. The Respondent submitted a detailed chronological tenure profile demonstrating that the Complainant has been continuously retained at the Delhi station for an unbroken duration of twenty-nine years since his initial induction in November 1996, which notably includes an exceptionally prolonged tenure of eighteen years within the Group A cadre alone. The Respondent emphasized that during the preceding academic cycle in 2025, a contemplated transfer configuration concerning the officer was formally held in abeyance by the department specifically to accommodate his personal representation that his son was completing his crucial Class XII schooling.

4.2 The Complainant contested on critical medical and welfare dependencies that require him to remain at his current station. His dependent son is a person with a certified benchmark disability, specifically a Specific Learning Disability (SLD) of greater than 40%, Dyscalculia. The child recently completed Class XII and is in the middle of a vulnerable undergraduate admission process for the 2026–2027 academic session. Both the complainant and his spouse are posted in Delhi and jointly manage their son's education and therapeutic needs. Moving a parent would dismantle this stable care system, violating the spirit of DoP&T Office Memorandum No. 42011/3/2014-Estt. (Res.) dated 08.10.2018, which protects primary caregivers of individuals with benchmark disabilities from routine transfers.

4 . 3 Furthermore, the Respondent highlighted that during a department-wide option exercise initiated in January 2026 tailored for long-tenure officers, the Complainant willingly submitted four distinct regional choices, namely Vaishali/UP, West Bengal, Delhi, and Madhya Pradesh, and subsequently requested a compassionate reassignment to his hometown of Kolkata on the ground that only four years remained until his superannuation. The department notes with concern that across all these official preference forms and auxiliary communications submitted up until the ultimate issuance of the transfer order, the Complainant completely omitted any disclosure or registration of his child’s benchmark disability status within his official service records. The Respondent maintained that the child’s mother, Smt. Abhilasha Barua, is also currently retained in Delhi for fourteen years of Group A service, thereby fully satisfying the spirit and intent of the Department of Personnel and Training (DoPT) Office Memorandum dated January 8, 2018, which safeguards the retention of at least one primary caregiver at the active station. The Respondent concluded that the transfer to Bengaluru was an unavoidable operational mandate triggered by an urgent, time-sensitive requisition dated June 25, 2026, from DGIT Systems, Bengaluru, seeking experienced systems personnel to oversee the critical income tax return filing peak season commencing in July 2026.

5. Submissions by the Respondent

5.1 The Respondent contested that the transfer order dated 30.06.2026 was executed due to pressing administrative exigencies and technical requirements rather than as a routine exercise. The Directorate of Income Tax (Systems), Bengaluru, requested urgent technical manpower on 25.06.2026 to manage the high-volume, time-sensitive Income Tax Return (ITR) filing season under the New Income Tax Act, specifically asking for experienced officers from Delhi. The Complainant has an unvouched continuous tenure of 29 years at the same station in Delhi since joining the service in November 1996, including 18 years as a Group 'A' officer. Furthermore, during the annual option exercise in January 2026, the Complainant voluntarily submitted four choices, namely: 1. Vaishali, UP, 2. West Bengal, 3. Delhi, 4. Madhya Pradesh vide email dated 29.01.2026; and only requested a temporary retention in Delhi on the sole ground of his child's Class XII examinations, which the department fully accommodated by deferring his transfer for the financial year 2025–26.

5.2 The Respondent further contested that the Complainant did not reveal the fact of his child's disability in all prior official correspondence, including his subsequent representations dated 23.03.2026 and 06.04.2026, wherein he requested a transfer to his hometown, Kolkata, or internal adjustments within the Vaishali/Vasundhara office on compassionate grounds. In those requests, the Complainant expressed his willingness to move out of Delhi on his own volition, indicating that his family circumstances were no different then. To humanely balance administrative needs with the Complainant's personal situation, the department provided reasonable accommodation by retaining the child's mother, Ms. Abhilasha Barua, in Delhi to serve as the main caregiver under DoPT guidelines, despite her own long tenure of over 25 years at the station. The Complainant has been moved to Bengaluru, a major metropolitan city equipped with identical educational and medical facilities.

6 Observation and Recommendations

6.1 The Court observes that the Complainant was served the impugned transfer order via letter dated 30.06.2026. While the Complainant has held an official disability certificate since 25.08.2025, the documentation regarding his child's disability was submitted to the employer only subsequent to the issuance of the transfer order. This information was not reflected in the routine option and preference exercises conducted in January, March, and April 2026. In accordance with established administrative procedures and relevant regulations, a government employee may claim statutory privileges, concessions, or transfer exemptions on disability grounds from the date the relevant medical records are formally produced to the employer. Such administrative benefits are generally prospective and cannot be applied retrospectively to invalidate a prior, operationally mandated administrative order.

6.2 This Court further notes that the Unique Disability ID (UDID) card submitted by the Complainant is a temporary certification issued on 25.08.2025, valid for a duration of one year. The validity of this UDID card is due to expire in August 2026. Consequently, long-term or indefinite statutory exemptions cannot be conclusively determined based on a temporary document that remains subject to periodic medical re-evaluation. Furthermore, the record reveals an inconsistency regarding the necessity of the co-extensive presence of both parents in Delhi. Although the Complainant asserts that the synchronized presence of both parents is indispensable for the child's therapeutic and educational stability in Delhi, the record shows that the Complainant submitted a transfer proforma in January 2026 and subsequent representations in March and April 2026, opting for out-of-station transfers across four different regions, including a specific preference for Kolkata.

6.3 The Court notes that the Complainant explicitly cited higher education institutions in both Delhi and Hyderabad (NALSAR) as prospective options for his child's undergraduate admissions. The active pursuit of educational avenues in a geographically distant location indicates that the child's academic and therapeutic arrangements are not strictly confined to the Delhi ecosystem. Therefore, the argument that the absolute retention of the Complainant at the Delhi station is the sole means of ensuring continuous therapeutic and specialized medical attention is not substantiated by the materials on record.

6.4 The Court observes that the child's benchmark disability status has not yet been declared or recorded within the official employment records of the Complainant's spouse. Had this documentation been duly submitted to her employer, the spouse could have been formally designated as the primary caregiver under the extant guidelines, thereby qualifying for station retention benefits. The Respondent Establishment is advised to evaluate the formal representation and the accompanying medical documentation submitted by the Complainant on 01.07.2026 as part of a comprehensive administrative review. The Respondent shall verify whether the benchmark disability status of the child has been formally declared under the independent service profile of the spouse, Smt. Abhilasha Barua, to ascertain any prior institutional notice of the family's medical requirements.

6.5 The Court takes note of the Complainant's submission that the ward's undergraduate admission process is currently ongoing and has not been finalized. In light of this transitional academic phase, the Respondents are recommended to objectively assess the current therapeutic and educational necessities of the child, independent of routine administrative rotations. The Respondents shall analyze the relevant medical and academic records, and retain the administrative discretion to determine whether the matter warrants relaxation on humanitarian grounds or requires adherence to operational exigencies. The Respondent Establishment is recommended to submit a detailed Action Taken Report (ATR) to this Court within seven (7) days of the issuance of this order. No further intervention by this Court is deemed necessary at this stage.

7. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 20-07-2026
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(S. Govindaraj)

Commissioner for Persons with Disabilities