



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15511/1024/24

Dated: 17/08/2026

Case No. 15511/1024/24

In the matter of:

Shri Manoj Soneka

...Complainant

versus

(1) The General Manager,
Central Railway,
GM's Building 2nd Floor,
Mumbai-CST, Maharashtra-400001

(2) The Secretary,
Railway Board,
Room No - 256-A, New Delhi, Delhi-110001

...Respondents

1. Gist of Complaint:

1.1 The Complainant, **Sh. Manoj Soneka**, a railway employee with **50% locomotor disability and low vision** filed a complaint dated 26.06.2024 and alleged that he has been subjected to continuous harassment, discrimination, and

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humiliation by his superiors and colleagues at the Nagpur office of Central Railway. He stated that during the COVID-19 pandemic, despite complying with directions for persons with disabilities to remain at home, his salary for July and August 2020 was withheld and released only after prolonged representations. He further alleged that Shri D.P. Grover verbally abused him, made derogatory remarks about his disability, threatened disciplinary action, and lodged false complaints against him when he refused to perform duties that he considered unsafe due to his visual impairment. The Complainant also alleged that he was compelled to undertake hazardous tasks, such as crossing busy railway tracks and working in conditions that aggravated his disability, despite Railway Board instructions regarding the posting of employees with low vision. According to him, his refusal to perform such duties resulted in repeated show-cause notices, adverse remarks, and disciplinary proceedings.

1.2 The Complainant further submitted that the harassment escalated through false complaints, biased disciplinary proceedings, and unwarranted medical examinations. He alleged that he was physically assaulted by a colleague, Shri Devendra G. Chauhan, after which, despite lodging an FIR, he himself was subjected to disciplinary action and penalized with reduction in grade pay based on what he described as a biased inquiry. He also complained that he was repeatedly sent for unnecessary medical examinations and renewal of his disability certificate, denied leave, marked absent without justification, and made to suffer financial loss. The Complainant contended that these actions, taken by various railway officials including Shri D.P. Grover, Shri G. Ramesh, Shri Lokesh Vijay Singh, and others, amounted to systematic harassment and discrimination on account of his disability, in violation of the Rights of Persons with Disabilities Act, 2016. He therefore sought intervention to ensure a safe, dignified, and discrimination-free working environment, appropriate protection from harassment, and redressal of the disciplinary actions taken against him.

2. Reply filed by the Respondents:

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2.1 Sri Mohit Mandlekar Senior DME filed his reply vide letter dated 28 August 2024 and submitted that Shri Manoj Sonekar's salary for two months which was not released due to his absence from duty which has now been released after receiving an application from the Complainant. The Complainant has also agreed about receiving his salary for two months.

2.2 With regard to the insulting comments made by Shri DP Grover, the respondent submitted that the Complainant neither submitted any evidence in this regard, nor did he bring any witness to substantiate his charge.

2.3 Further, on the issue of a false complaint filed by Shri TP Grover on 5th August 2021 and 13 October 2022, It was submitted that the issue was examined by Shri Vijay Kohade, SSE who found that the complaint was genuine. However, no action was taken against the complainant considering his disabilities.

2.4 On the issue of departmental enquiry and measure penalty, the respondent submitted that the enquiry was done as per the Railways' disciplinary and appeal rules in which the complainant was given full opportunity to submit his defence, and he was found guilty based on the records and the statement of witnesses. The Complainant has filed an appeal against this decision which is presently under consideration. Further, on the issue of causing harassment by repeatedly referring for medical examinations, the Respondent submitted that he was referred to medical board to be able to better understand his medical condition so that he can be given suitable job according to his disability. On the issue of declaring the complainant as absent for 1-2 days, the Respondent further submitted that the

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complainant did not submit any application for leave and that he was absent for a longer duration, i.e. for 3 to 4 days. On the last issue of posting to C&W department, the same has been referred to the personal department.

3. Rejoinder filed by the Complainant:

3.1 The Complainant filed in his Rejoinder dated 10.12.2024 that he has been facing significant challenges at the workplace due to unfair treatment by Mr. D.P. Grover and Depot Incharge Mr. Rajneesh Shah, primarily related to his disability and physical condition. He has been subjected to mental and physical distress, including false reporting of absences, salary deductions, and forced transfers. Despite being present, he was marked absent, and his attendance records were intentionally withheld, leading to ongoing harassment. He has repeatedly been denied leave requests and has faced threats of dismissal. The complainant's efforts to resolve these issues through official channels have been unsuccessful. He requests that his attendance book be provided immediately, that his attendance is recorded regularly, and that his transfer and salary deductions be investigated impartially. The complainant seeks the dismissal of false allegations against him, a stay on the transfer order until the court's decision, and disciplinary action against the officials who have violated the RPwD Act. Furthermore, he requests promotion based on his qualifications (BSW, MSW) and protection from further mental harassment and threats.

4. Hearing:

4.1 A hearing in hybrid mode was conducted on 28.02.2025 and the following parties/representatives were present:

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1.	Mr. Manoj Soneka	Complainant	Online
2.	Mr. Hafees Mohammed – Chief Personnel Officer, Central Railway (CR);	Respondent No.1	Online
3.	Sanchi Jain – Senior Divisional Personnel Officer, Nagpur, CR; and	Respondent no.1	Online
4.	Mohit Mandlekar – Senior Divisional Mechanical Engineer, Nagpur, CR	Respondent No.1	Online

5. Record of Proceedings:

5.1 During the hearing, the Complainant, Shri Manoj Soneka, reiterated that he had been subjected to continuous workplace harassment, discrimination, and unfair disciplinary action on account of his status as a person with benchmark disability. He submitted that although he had initially been employed as an Assistant Carriage and Wagon (C&W), he was later redeployed as a Hospital Assistant due to his medical condition. He contended that the departmental inquiry initiated against him was unfair, having been conducted while he was medically unfit and hospitalized, and that the inquiry report was not properly served upon him. He further alleged that the disciplinary proceedings resulted in a disproportionate penalty, including stoppage of increment with cumulative effect. The Complainant also complained of repeated denial of reasonable

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accommodation, assignment of unsuitable duties, non-payment of salary during the COVID-19 exemption period for persons with disabilities, and continued discrimination despite repeatedly submitting his medical and disability records.

5.2 The Respondents denied the allegations of discrimination and submitted that the Complainant had remained absent from duty for prolonged periods, necessitating disciplinary proceedings that were conducted in accordance with the applicable service rules. They maintained that the inquiry was fair, the penalty was lawfully imposed, and that the Complainant's redeployment as a Hospital Assistant, following a change in his medical category, was an appropriate administrative decision made in his interest. During the hearing, however, the Respondents acknowledged that the inquiry report placed before the Court was not legible and undertook to furnish a complete and legible copy together with all supporting documents relied upon during the disciplinary proceedings.

5.3 After considering the submissions of both parties, the Court observed that the matter involved serious allegations relating to workplace harassment, denial of reasonable accommodation, and compliance with the Rights of Persons with Disabilities Act, 2016. The Court noted that the Complainant intended to file additional documents in support of his allegations and directed the Respondents to submit a complete and legible inquiry report, all supporting records, a detailed justification for the Complainant's redeployment with reference to his medical fitness and statutory obligations, and a comprehensive response addressing the allegations regarding deployment, COVID-related salary, and reasonable accommodation.

6. Hearing:

6.1 A hearing in hybrid mode was conducted on 27.10.2025 and the following parties/representatives were present:

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3.	Sanchi Jain – Senior Divisional Personnel Officer, Nagpur, CR;	Respondent No.1	Online
4.	Adesh Kumar- Joint Director (Estt.) – Railway Board	Respondent no. 2	Online

7. Record of Proceedings:

7.1 During the hearing, the Complainant alleged that he had been subjected to harassment, victimization, denial of reasonable accommodation, and unfair disciplinary proceedings by certain Railway officials, and sought the intervention of this Court. However, upon repeated queries, the Complainant was unable to demonstrate that his grievance arose on account of disability-based discrimination, and it emerged that the dispute essentially related to departmental disciplinary proceedings.

7.2 The Respondents submitted that the disciplinary proceedings had been conducted strictly in accordance with the applicable Railway Discipline and Appeal Rules. It was stated that the charges against the Complainant pertained to misconduct, including unauthorized absence after the COVID-19 period and an incident involving assault on a colleague, and were unrelated to his disability. The Respondents further informed the Court that the disciplinary inquiry had concluded, the appellate authority had already reduced the penalty imposed upon the Complainant, and that the Complainant continued to have the remedy of filing

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a revision petition under the applicable service rules. It was also submitted that the Complainant's withheld salary for the COVID-19 period had been released in compliance with the earlier directions of this Court.

8. Observations and Recommendations:

8.1 Upon consideration of the pleadings, the departmental inquiry report, and the submissions of the parties, the Court observed that the disciplinary proceedings were initiated on allegations of misconduct and unauthorized absence and not on account of the Complainant's disability. The Court reiterates that its jurisdiction under the Rights of Persons with Disabilities Act, 2016 is confined to matters relating to disability rights and discrimination on the ground of disability and does not extend to adjudicating departmental disciplinary proceedings conducted under the applicable service rules. As no material has been placed on record to establish disability-based discrimination, no interference with the disciplinary proceedings is warranted. The Court also appreciates the Respondents for complying with its earlier directions by releasing the Complainant's withheld salary for the COVID-19 period.

8.2 The Court recommends that the Respondents continue to ensure strict compliance with the provisions of the Rights of Persons with Disabilities Act, 2016, including providing reasonable accommodation, assigning duties commensurate with the medical condition and functional limitations of employees with disabilities, and sensitizing supervisory officers to prevent disability-based discrimination or harassment in the workplace. If the Complainant remains aggrieved by the outcome of the disciplinary proceedings, he is at liberty to avail the statutory remedies available under the applicable Railway service rules, including revision or any other remedy available in law before the appropriate forum.

8.3 While noting that the Complainant is a person with benchmark disability, the

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Court observes that disability cannot be invoked to shield acts of misconduct. At the same time, considering that the appellate authority has already reduced the penalty imposed upon the Complainant, it is left open to the Respondents to consider, if deemed appropriate and permissible under the applicable rules, any further sympathetic or lenient view of the matter. The Complainant is also advised to maintain proper conduct in the workplace and avoid any behaviour that may invite disciplinary action in future. No further directions are warranted.

9. Accordingly, the complaint stands disposed of.

Yours faithfully,

(S. Govindaraj)
Commissioner

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