



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/15759/1021/24

Dated: 17/08/2026

Case No. CCPD/15072/1024/2024

In the matter of —

Mr. Omprakash Dhakar

...Complainant

Versus

The Secretary,

Railway Board

The General Manager,

Western Railways

...Respondents

1. Gist of the Complaint:

1.1 Shri Om Prakash Dhakad, a person with 40% locomotor disability, currently serving as a TGT at Railway Higher Secondary School, Ratlam. He filed his complaint on 25-09-2024 and raised his grievance concerning his notional promotion, in accordance with the provisions stated in Railway Board vide letter RBE-06/2024 dated 18/01/2024, which refers to the Department of Personnel and Training (DoP&T) OM dated 28/12/2023.

1.2 As per point 5(i) of the DoP&T OM, employees with disabilities (PwBDs) who were eligible for promotion based on their performance in departmental exams held between 30/06/2016 and 16/05/2022 are entitled to notional promotion from

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the date they became eligible. He had applied for the post of PGT (Political Science) under the departmental promotion notification issued in 2015. The written examination for this post was conducted in September 2015, and the viva was held on 22/07/2016, with the final result declared on 22/07/2016. This is as per the specified period mentioned in Order dated 18.01.2024 of RBE.

1.3 Despite being declared suitable for the PGT (Political Science) post, based on his performance, his case has not been processed for notional promotion. Therefore, he requests that his promotion to the PGT (Political Science) post be granted with effect from 22/07/2016, in line with the provisions of RBE Order No. 06/2024 dated 18.01.24.

1.4 Furthermore, the delay in granting this promotion is not only a violation of the provisions for PwBDs as outlined in the Railway Board guidelines but also an unjust denial of his rightful entitlement. He respectfully requests intervention to ensure the prompt processing and issuance of his notional promotion order as per the applicable guidelines.

2. Reply filed by the Respondents:

2.1 The Deputy Chief Personnel Officer (Welfare) Western Railway Headquarters, vide response dt 25.11.2024 stated that the matter regarding the grant of Notional Promotion under the PwBD quota, effective from 30.06.2016, to Shri Omprakash Dhaker, TGT-RTM, has been thoroughly examined. The notification for filling the Post Graduate Teachers (PGT) vacancies was issued on 04.02.2015, with six positions for PGT (Commercial), (Political Science), (Maths), (Geography), (Physics), and (English). However, at that time there was no reservation for PwBD candidates, as the PwBD quota had not been introduced prior to 2016. Consequently, the Complainant was not included in the panel, being the junior-most candidate.

2.2 The PwBD reservation was introduced by Railway Board's letter No.

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E(NG)I/2019/PM 4/8, dated 01.07.2022, and is now being followed. As per the instructions in the aforementioned letter, the Complainant, a TGT (Level 7) with 40% locomotor disability, is eligible for Notional Promotion to the post of PGT (Level 8) effective from 30.06.2016, under the PwBD quota, provided he passes the PGT selection process. The selection for PGT has already been notified through this Office's letter dated 13.11.2024, with one post reserved for PwBD candidates. The Complainant has already been responded to through this Office's letter dated 18.10.2024.

3. Rejoinder filed by the Complainant:

3.1 The Complainant has submitted multiple rejoinders, reiterating the concerns raised in his grievances dated 30-12-2024 and 01-12-2024.

3.2 In compliance with the Hon'ble Supreme Court's decision dated 30.06.2016, and as per DOPT Office Order dated 28.12.2023 and Railway Board's RBE 06/2024, Persons with Benchmark Disabilities (PWBD) who were found "eligible and suitable" for promotion between 30.06.2016 and 16.05.2022 are entitled to notional promotion.

3.3 The Complainant was declared "Passed with 67.25% and Found eligible and suitable for promotion to PGT - Political Science" in the WR PGT Selection Result dated 22.07.2016, which falls within the prescribed period. Based on this, he submitted a formal request for notional promotion with supporting documents to Dy. CPO (Welfare), CCG Mumbai on 31.01.2024. Despite this, no action has been taken exceeding the 30-working-day limit stipulated in RBE 157/2017. This delay has caused undue mental and financial hardship. His Prayer is:

1. Grant of notional promotion w.e.f. 01.03.2024 based on the selection result dated 22.07.2016, in accordance with DOPT O.M. dated 23.12.2023.
2. Issuance of necessary instructions to the General Manager, Western Railway,

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Mumbai for timely implementation.

4. Status Update on Grievance Redressal:

4.1 The current status of the case was requested via email dated 07.03.2025, seeking clarification on whether the grievance has been resolved or is still pending, In response, Western Railway vide email dt 16.05.2025 submitted that the notification for filling up 06 posts of Post Graduate Teacher (PGT) was notified on 04/02/2015 i.e. 01 vacancy each for PGT(Commercial), (Political Science), (Maths), (Geography), (Physics)& (English). During this selection no PwBD reservation was existing as this was notified prior to 2016. Already 01 PGT (Pol. Science) Shri K M Samuel was placed on the panel of PGT dt. 10.08.2016 and he was promoted as PGT (Political Science) & posted at RHSS-RTM vide letter dtd 29.08.2016.

4.2 As per Para 5 (i) of Rly Boards letter dated 18.01.2024 (RBE No 60/2024) that, "in terms of Departmental Examination which has already been held during the period from 30.06.2016 to 16.05.2022, the eligibility of the PwBD candidates may be assessed on the basis of their performance in the said examination. In case of PwBD employees are found eligible and suitable for promotion from any date subsequent to 30.06.2016, then the benefit of reservation in promotion may be extended to them from any date they become eligible for promotion.

4.3 That the Complainant had qualified the written test for the post of PGT (Political Science) held on 02.09.2015, but being the junior most, he was not placed on the panel which was issued on 10.08.2016 after viva voce. The validity of panel is 2 years from the date of approval of panel by the Competent Authority and the same panel was fully operated and exhausted. Hence, in order to be promoted, it is required that the Complainant should be placed on the panel for the post of PGT after the process of selection.

4.4 Accordingly, as per discretion of Administrative Authorities as contained in

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Para 5 (i) selection for the post of PGT has already been notified with one post reserved for PwBD and he will be given Notional Promotion to the Post of PGT Level-8 w.e.f 30.06.2016 against PwBD quota, subject to being placed on the panel for the post of PGT. Selections for the post of PGT was initiated vide notification dtd 13.11.2024. The written test for the same was fixed to be held on 04.03.2025, which was postponed due to administrative grounds. Rly Board vide letter dtd 05.03.2025 has issued orders to keep on hold all the selections which have not been approved by 04.03.2025. As and when the fresh selection for the post of PGT is conducted, and the Complainant is found suitable and placed on the panel of PGT, he will be granted Notional Promotion against PwBD quota w.e.f 30/06/2016.

5. Hearing:

5.1 The hearing was conducted on 27.05.2025 and following parties were present during the hearing:

S. No.	Name of Party/Representatives	Mode of appearance	On behalf of:
1.	Mr. Omprakash Dhakar	Online	Complainant
2	Mr. Ram Prasad Brijlal, Dy. CPO- Western Railways	Online	Respondent
3.	Ms. Smriti Jacob, Dy. CPO (Welfare)- Western Railways	Online	Respondents
4.	Mr. Gautam Mandal, Joint Director (Est), Railways Board	Online	Respondents
5.	Mr. Adesh Kumar, Joint Director, Railways Board	Online	Respondents

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6. Record of Proceedings:

6.1 The Complainant, a TGT at Railways Higher Secondary School, Ratlam, stated that despite clearing the promotional examination for PGT (Political Science) on 22.07.2016, he has not been granted notional promotion from that date. He relied on Railway Board instructions (RBE-06/2024) and DOP&T OM dated 28.12.2023, arguing that he is entitled to retrospective promotion benefits but has been denied the same.

6.2 The Respondents acknowledged that the complainant passed the exam in 2016 but argued that he was not empanelled, and promotion could only be granted after empanelment, effective from 30.06.2016. They further claimed that reservation in promotion for Group C posts became applicable only from 17.05.2022 and was later given retrospective effect from 30.06.2016. They also stated they were following a 200-point roster system.

6.3 The Court disagreed with the Respondents' understanding, clarifying that reservation in promotion for Persons with Disabilities in Group C & D posts has existed since 20.11.1989 and gained statutory backing from 01.01.1996, reinforced by DOP&T's 2005 OM. It expressed concern over the lack of awareness among railway officials, particularly the Dy. CPO. The Court directed the respondents to submit their response along with the reservation roster and a training plan for officials. It also asked the complainant to clarify whether juniors were promoted and whether reserved vacancies existed but remained unfilled.

7. Observations in the case:

7.1 The Court has carefully considered the pleadings, submissions of the parties, and the material placed on record. It observes that the Respondents have adopted an erroneous interpretation of the law by treating reservation in promotion for

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persons with benchmark disabilities (PwBDs) as applicable only from 17.05.2022. Reservation in promotion for PwBDs in Group 'C' and Group 'D' posts existed prior to the issuance of the said Office Memorandum and is supported by the statutory framework of the Rights of Persons with Disabilities Act, 2016. The Court further notes that the Complainant was declared "passed and suitable" for promotion to the post of PGT (Political Science) on 22.07.2016, a period covered under the DoP&T O.M. dated 28.12.2023 as adopted by the Railway Board. Accordingly, the insistence on fresh empanelment or selection is not in consonance with the applicable policy. The Court also expresses concern over the lack of awareness among the Respondent officials regarding the applicable reservation policy, which has resulted in avoidable delay and denial of the Complainant's legitimate entitlement.

7.2 In view of the above, the Court recommends that the Respondents grant notional promotion to the Complainant to the post of PGT (Political Science) with effect from 22.07.2016, along with all consequential benefits, including pay fixation and seniority, in accordance with the applicable rules and Government instructions. The Respondents are further advised to dispense with the requirement of fresh empanelment or selection in such cases, review similarly placed cases of other eligible PwBD employees to ensure uniform implementation of the policy, and conduct appropriate training and sensitization programmes for officers dealing with reservation matters. An Action Taken Report (ATR) on the above recommendations shall be furnished to this Court within 90 days from the date of this Order. In the event of failure to implement the recommendations or submit the ATR within the stipulated period, the matter shall be liable to be taken up for further consideration by this Court in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016.

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8. Accordingly, the case is disposed of.

Yours faithfully,

(S. Govindaraj)
Commissioner

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