



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-OF-0043/1022/2026

In the Matter of

Complainant

Shri Vimal Kumar

Versus

Respondent(s)

The Managing Director and CEO, Indian Bank

1. Background of the Case

1.1 The Complainant, Vimal Kumar, Senior Manager, Indian Bank, submitted a grievance dated 10.08.2026 stating that he has been transferred from Patna to Mumbai on 19.05.2026. He stated that he is the parent of his son, Master Shivansh, who has 80% permanent locomotor disability, including cerebral palsy and muscular dystrophy, and requires continuous care, medical treatment, rehabilitation and support. He stated that his spouse is working with Punjab National Bank in Patna, and his transfer to Mumbai would make it difficult for the family to provide the necessary care and support to his disabled child. He further stated that he had already requested retention at Patna and that his representation was forwarded to the Corporate Office, Chennai. The complainant requested intervention for cancellation of his transfer order and retention at Patna, considering the disability and care requirements of his dependent child and the applicable Government guidelines concerning employees who are caregivers of children with disabilities.

2. Notice of Admissibility

2.1 A Notice dated 10.08.2026 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 12.08.2026 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 12.08.2026, in Case No. CCPD-AD-0153/2026, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Vimal Kumar	Complainant
2.	Shri Rajesh Kumar Singh, GM HRD	Respondent

4. Record of Proceedings

4.1 During the proceedings, the Respondent (General Manager, HRM/HRD, Indian Bank Corporate Office) submitted that the transfer of the Complainant from Patna to Mumbai was initially executed as an administrative management transfer. The Respondent apprised the Court that the Complainant had subsequently visited the corporate office and submitted a formal representation on 10.08.2026, placing on record the severe medical condition of his son as well as the fact that his spouse is serving as a Customer Service Associate with Punjab National Bank at Patna, a non-all-India, state-specific cadre whose transfers are restricted within the State itself. Taking cognizance of these family circumstances, the Respondent confirmed that the competent authority has taken up the Complainant's representation under active consideration to revisit the earlier transfer order to Mumbai and accommodate him at Patna or a nearby zone, and assured that a final decision in this regard would be taken within one to two weeks.

4.2 Upon hearing the submissions of both parties, the Court appreciated the constructive approach and assurance extended by the Respondent to revisit the transfer on statutory and compassionate grounds. The Court observed that under the applicable guidelines governing caregiver exemptions, only one parent can be recognized as the primary caregiver of a child with disability to claim transfer-related privileges, which ought to be formally recorded in the employee's service record to prevent duplicate claims.

5. Legal Framework:

5 . 1 After observing the submissions of both parties, the Court clarifies that reasonable accommodation and the protection of caregivers of persons with high-support disabilities are not matters of administrative discretion or mere leniency, but constitute essential statutory safeguards designed to ensure an equitable, non-discriminatory environment and the welfare of persons with benchmark disabilities.

5.2 The Court observes that the Respondent's administrative actions must be evaluated against the statutory framework of the Rights of Persons with Disabilities (RPwD) Act, 2016, which mandates a rights-based entitlement to prevent the arbitrary disruption of critical rehabilitation and healthcare ecosystems. The routine transfer of an employee serving as the primary caregiver to a child with severe benchmark disabilities engages the following statutory mandates:

Section 2(y) – Reasonable Accommodation:

Section 2(y) defines “reasonable accommodation” as necessary and appropriate modifications and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others. The principle of reasonable accommodation is therefore not confined to physical accessibility but requires consideration of the individual circumstances and support requirements of a person with disability. In the present case, the child's cerebral palsy and muscular dystrophy, together with the certified extent of disability, indicate a heightened requirement for sustained physical assistance, supervision, treatment, therapy and family support. While Section 2(y), read by itself, does not confer an absolute right upon a caregiver to remain posted at a particular station, the principle of reasonable accommodation requires the Respondent to consider whether a less disruptive administrative arrangement is reasonably possible so that the child's (a person with 80% permanent locomotor disability, including cerebral palsy and muscular dystrophy) access to essential care and support is not unnecessarily compromised.

Section 21 – Equal Opportunity Policy:

Section 21 requires every establishment to notify an equal opportunity policy for persons with disabilities. The broader statutory scheme under the RPwD Act therefore contemplates that employment administration in Government establishments should be responsive to disability-related requirements rather than being governed exclusively by routine administrative considerations. In a case involving a primary caregiver of a child with severe disability, the Respondent's applicable transfer/posting policy, equal

opportunity framework and any applicable Government instructions relating to employees having dependent persons with disabilities are relevant material for determining whether the impugned transfer was appropriately considered.

5 . 3 The regulatory and executive framework governing the exemption of caregivers from routine administrative transfers is established by binding Office Memoranda issued by the Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pensions, which are made mutatis mutandis applicable to Public Sector Banks via directives from the Department of Financial Services (DFS), Ministry of Finance. DoPT Office Memorandum No. 42011/3/2014-Estt. (Res.) dated 08.10.2018, read alongside DoPT OM No. 28034/9/2009-Estt. (A) dated 30.09.2009 regarding the posting of working spouses at the same station, serves as a vital operational extension of these protections. These directives explicitly stipulate that an employee who is the primary caregiver of a dependent child with a benchmark disability shall be exempted from routine rotational transfers, recognizing that rehabilitation is a prolonged process requiring stable home and community support. The Court emphasizes that while this protection is statutory and enforceable, it is restricted to a single primary caregiver per beneficiary, which must be duly recorded in the employee's official service record to prevent multiple or duplicate exemptions.

6. Observation and Recommendations

6 . 1 The Court observed that the Respondent had initiated consideration of the Complainant's representation and directed that the matter be considered expeditiously, preferably within the period indicated by the Respondent. The Court further observed that, since both parents of the child are employed, the issue of primary caregivership requires clarity.

6.2 The Court observed that, for the purpose of claiming any applicable exemption/accommodation from routine transfer on account of caregiving responsibilities, the primary caregiver should be appropriately identified and, where applicable, recorded in the service records in accordance with the relevant Government guidelines/policy.

6.3 In view of the above, the Respondent is recommended to submit an Action Taken Report, along with supporting documents including the retention/revised transfer order, as applicable, and the Complainant's joining report, to the Court within 30 days from the date of this order. Consequently, the Court has determined no further intervention necessary.

7. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities