



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-0158/2026

In the Matter of

Complainant

Shri Mohit Kumar

Versus

Respondent(s)

The Managing Director, Indian Bank

1. Background of the Case

1.1 The Complainant, Shri Mohit Kumar, Senior Manager employed in Indian Bank and a person with 70% benchmark disability submitted a grievance dated 10.08.2026 stating that he was transferred from Patna Zone to Muzaffarpur Zone on 19.06.2026 and posted at Motihari Branch, about 150 km from his present place of posting. He further submitted that he had submitted representations dated 24.06.2026 and 06.07.2026 requesting cancellation of the transfer, citing the RPwD Act, 2016, DoPT guidelines and Indian Bank's transfer policy for employees with disabilities. However, he was relieved on 04.07.2026 and alleged that both representations have not been considered.

2. Notice of Hearing

2.1 A Notice dated 11.08.2026 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 13.08.2026 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. Respondent's Submission

3.1 The Respondent submitted vide email dated 12.08.2026 that the

Complainant, Shri Mohit Kumar, joined the Bank as a Clerk on 24.08.2009 and was promoted to Senior Manager, Scale III, within ten years. After his promotion, he was posted to his native Patna Zone on 01.03.2020, where he served for approximately six years and one month before being transferred to the nearest Zone, Muzaffarpur, on 19.06.2026. The Respondent stated that postings are made on the basis of the Bank's administrative requirements and exigencies, considering business operations, manpower utilization and organizational needs. It was further submitted that, keeping in view the Complainant's disability, the Bank had not posted him to a distant location and had instead accommodated him within his native State of Bihar by posting him to the nearest Zone/Motihari Branch. In view of these submissions, the Respondent requested that the matter be allowed to rest.

4. Hearing

4.1. A preliminary hearing was conducted on 13.08.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Mohit Kumar	Complainant
2.	Shri R.K. Singh, GM (Head Office)	Respondent

5. Record of Proceedings

5.1 During the proceedings, the Complainant submitted that he had served at various places during his career and, after being posted to his home State of Bihar following his promotion as Senior Manager, had been serving under Patna Zone for several years. He stated that he submitted representations dated 24.06.2026 and 06.07.2026 seeking cancellation of the transfer, citing the provisions of the Rights of Persons with Disabilities Act, 2016, applicable DoPT guidelines and the Bank's policy relating to employees with disabilities, but his representations were not duly considered and he was relieved on 04.07.2026. He further referred to his disability-related difficulties and family circumstances, including the disability of his dependent child, and sought appropriate relief in the matter.

5.2 The Respondent, represented by the General Manager (HRM/HRD), Indian Bank, submitted that the Complainant had joined the Bank in 2009 and had served at various places in Uttar Pradesh before being posted to his home State of Bihar after promotion as Senior Manager. It was submitted that he had remained posted

under Patna Zone for approximately six years and four months and that, keeping in view administrative requirements and his disability, he was transferred to the nearby Muzaffarpur Zone/Motihari Branch rather than to a distant location. The Respondent further submitted that the Complainant had not joined at the transferred place and was stated to be on unauthorised absence since July 2026. The Respondent also indicated that the issue relating to release of salary would have to be considered in accordance with the Bank's applicable rules and policies, particularly as the Complainant had not joined the transferred place of posting.

5.3 Upon considering submissions of both the parties, the Court observed that employees with disabilities should ordinarily not be subjected to routine or rotational transfers and that, where a transfer is necessitated by administrative exigencies, the employer is required to duly consider reasonable accommodation and ensure that the transfer does not cause avoidable hardship to the employee. The Court further observed that, as far as practicable, an employee with disability should be accommodated within the same city or at a location in close proximity to his residence, and that the employee should be consulted before taking a decision involving transfer on administrative grounds. The Court also took note of the Complainant's submission regarding the disability of his dependent child and observed that the family circumstances and caregiving responsibilities ought to be considered while determining an appropriate posting.

5.4 The Court further took note of the **DoPT Office Memorandum dated 31.03.2014, particularly Para H relating to preference in transfer/posting**, which provides that, as far as possible, employees with disabilities may be exempted from rotational transfer and allowed to continue in the same job where they have achieved the desired performance; that preference may be given in the place of posting at the time of transfer/promotion, subject to administrative constraints; and that the practice of considering the employee's choice of place of posting may be continued. The Court also took note of the subsequent **DoPT OM No. 36035/44/2023-Estt.(Res-II) dated 02.02.2024**, which reiterates that, as far as possible, persons with disabilities may be exempted from rotational transfer/transfer and that preference in place of posting may be given to them, subject to administrative constraints.

5.5 With regard to the Complainant's grievance concerning stoppage/non-release of salary on account of his non-joining at the transferred place, the Court observed that the Complainant was required to join the place of posting and avail the remedies available under the Bank's applicable service rules and submit the necessary representation. The Court clarified that the issue of salary and consequential service action would be governed by the applicable internal rules

and regulations and that no interference was called for at this stage. The Respondent was nevertheless recommended to consider the Complainant's disability and caregiving circumstances while taking further administrative action.

5.6 The Court accordingly advised that the Respondent reconsider the Complainant's present place of posting and, if administrative exigencies require his transfer, endeavor to accommodate him at a location as close as reasonably practicable to his residence, after duly considering his disability and caregiving responsibilities. The Respondent was further recommended to take appropriate action within forty-five (45) days since the date of this order and submit an Action Taken Report (ATR) before the Court. Consequently, the Court has determined no further intervention necessary.

6. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities