



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

Diary No. DNO/26/CCPD/6540

Dated: 31/08/2026

Case No: DNO/26/CCPD/6540

In the Matter of

Complainant

Shri Shrichand Shriwas

Versus

Respondent(s)

1. The Secretary, Ministry of Railways
2. The General Manager, Northern Western Railway

1. Background of the Case

1.1 The Complainant, Shri Srichand Shrivass, a person with 100% blindness working as a Helper in the Railway Department, submitted a grievance dated 23.07.2026 and contested that he had been permitted by the Railway Administration to appear in the departmental examination for promotion to the post of Technician-III (Mechanical TRS) pursuant to a valid call letter issued by the Respondent. He stated that he successfully qualified the examination, and the result was declared on 09.04.2026. However, despite qualifying, he was subsequently informed that he could not be promoted on the ground that, owing to his blindness, he did not satisfy the prescribed B-1 medical classification applicable to the post. The Complainant contended that the denial of promotion solely on the ground of disability was arbitrary, discriminatory, and contrary to the provisions of the Rights of Persons with Disabilities Act, 2016, as well as the Railway Board's circulars providing for equal opportunity, non-discrimination, and reasonable accommodation for persons with benchmark disabilities.

2. Hearing

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
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2.1. A preliminary hearing was conducted on 04.08.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1	Shri Shrichand Shriwas	Complainant
2	Shri Rajesh Kumar Sharma, Senior DPO, Jhansi	Respondent 2

3. Record of Proceedings

3.1 The learned representative appearing on behalf of the Respondent Railway Administration submitted that the post of Technician-III is a safety category post requiring B-1 medical fitness under the applicable Railway rules. It was contended that the Complainant was working in a category where persons with blindness could be accommodated; however, promotion to the post of Technician-III involved duties relating to electrical systems, locomotive wiring, and other hazardous operational work, for which the prescribed medical standards were mandatory. The Respondent submitted that although the Complainant had qualified in the departmental examination, appointment to the promotional post remained subject to fulfilment of the requisite medical standards, which the Complainant did not satisfy. It was further submitted that alternative promotional avenues and suitable posts were available for persons with disabilities in other cadres consistent with the nature of their disability.

3.2 Upon hearing the Respondent, the Court observed that the justification advanced by the Railway Administration was prima facie unsatisfactory. The Court noted that once the Railway Administration had permitted the Complainant to participate in the departmental examination, allowed him to complete the entire selection process, and declared him successful, it was neither fair nor legally sustainable to subsequently deny promotion on the ground of medical unfitness arising from his disability. The Court observed that, if any issue regarding eligibility existed, the same ought to have been examined prior to permitting the Complainant to participate in the selection process.

3.3 The Court further observed that the Rights of Persons with Disabilities Act, 2016 expressly prohibits discrimination in matters of employment. Referring to Sections 20 and 34 of the Act, the Court observed

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that Government establishments are under a statutory obligation to provide equal opportunity and reasonable accommodation to persons with benchmark disabilities. In particular, Section 20(4) unequivocally provides that no promotion shall be denied to a person merely on the ground of disability, while Section 20(2) requires the employer to provide reasonable accommodation. Accordingly, the Court held that even if the Respondent considered certain duties attached to the promotional post unsuitable for a person with 100% blindness, it was incumbent upon the Railway Administration to identify and assign suitable duties within the promoted cadre, rather than deny or indefinitely withhold the promotion itself. The Court further observed that the objectives underlying Section 34 reinforce the obligation of Government establishments to secure equal participation of persons with benchmark disabilities in public employment.

3.4 The Court categorically held that the Complainant's promotion could neither be denied nor delayed merely because of his disability. It observed that the Complainant was entitled to all consequential service benefits arising from his successful selection with effect from 09.04.2026, being the date on which the promotion panel was declared. The Court further observed that if the Respondent was unable to identify an appropriate assignment within the promoted post, it was open to the administration to create or utilise a suitable or supernumerary post rather than withhold promotion.

3.5 Considering the assurance extended by the Respondent during the proceedings that appropriate action would be taken in the matter, the Court granted the Respondent an opportunity to redress the grievance of the Complainant in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016. The Respondent was accordingly directed to take all consequential steps, including extending the benefits arising from the Complainant's promotion, and to submit an Action Taken Report (ATR) before the Court within thirty (30) days. However, the Complainant remains at liberty to approach the Court afresh in case his grievance remains unaddressed or he remains aggrieved. Consequently, the Court has determined no further intervention necessary.

4. Accordingly, the case is disposed of.

Yours faithfully,

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**(S. Govindaraj)
Commissioner**

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