



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/6255

Dated: 02/09/2026

Diary No: DNO/26/CCPD/6255

In the Matter of

Complainant

Mr. Said Ahmad

Versus

Respondent(s)

The Joint Secretary & Chief Administrative Officer, Ministry of Defense

1. Background of the Case

1.1 The Complainant, Shri Said Ahmad, a person with benchmark disability and an officer in the Directorate General of Quality Assurance (DGQA), Ministry of Defense, submitted a grievance dated 22.04.2026 stating that he was selected for the post of Assistant Registrar in the National Human Rights Commission (NHRC) on deputation basis. However, despite his selection and willingness to join, his parent department did not relieve him, stating that the Cadre Controlling Authority had not granted approval. The Complainant further submitted that there was no pending vigilance or disciplinary case against him at the time of forwarding his application and that the refusal to relieve him was contrary to the DoPT guidelines on vigilance clearance. He alleged that repeated representations made to the Ministry of Defense and NHRC were not considered, causing him to lose the deputation opportunity.

2. Notice of Admissibility

2.1 A Notice dated 12.08.2026 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 14.08.2026 to determine the admissibility of the case and find out if this can be resolved without a quasi-judicial intervention of this Court.

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3. Respondent's Reply to the Notice

3.1 The Respondent submitted vide reply dated 12.08.2026 contesting that while the attached complaint was illegible, they provided a detailed background regarding the deputation of Sh. Said Ahmad, SO, DGQA, to the post of Assistant Registrar at NHRC. Although his application had initially been forwarded and he was selected by NHRC, a complaint was filed against him by his first wife on 01 September 2023, leading to disciplinary proceedings and a chargesheet issued on 13 March 2024. Consequently, his cadre controlling authority withheld vigilance clearance and denied approval for his relieving.

3.2 The Respondent further noted that the disability certificate cited by the officer was never received by their office, no service record confirmed his disability status, and the matter of service conditions falls under the sole jurisdiction of CAT under Section 14 of the Administrative Tribunal Act, 1985. Finally, citing DoP&T OM No. 104/33/2024-AVD-1A, the respondent justified the denial of deputation because a major penalty was imposed on the officer on 10 March 2025 for a two-year currency period, during which vigilance clearance cannot be granted and no disability-related relaxations apply under existing DoP&T instructions.

4. Hearing

4.1. A preliminary hearing was conducted on 14.08.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Amitabh Kumar Srivastava, Chief Administrative Officer, Ministry of Defense, Delhi	Respondent

4.2 No Representatives on behalf of the Complainant were present during the proceedings.

5. Record of Proceedings

5.1 During the proceedings, the Respondent, Ministry of Defense, submitted that the Complainant had applied for deputation to the National Human Rights Commission (NHRC) in 2022 and that his selection

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was communicated to the Ministry in 2023. It was submitted that, prior to the selection, a complaint had been received against the Complainant, pursuant to which disciplinary proceedings were initiated, a charge-sheet was issued in 2024 and a major penalty was imposed in 2025. The Respondent stated that, in view of the pending disciplinary matter and withholding of vigilance clearance in accordance with the applicable DoPT instructions, the Complainant could not be relieved to join the deputation. It was further submitted that the matter relating to the disciplinary proceedings had also been challenged by the Complainant before the Central Administrative Tribunal (CAT).

5.2 The Court observed that the issue raised before it primarily concerned the non-relieving of the Complainant for joining the deputation, which was mentioned by the Respondent to have resulted from withholding of vigilance clearance on account of the disciplinary proceedings. The Court also noted the Respondent's submission, vide email dated 14.08.2026, that the disciplinary proceedings and the major penalty imposed upon the Complainant were under challenge before the CAT. The relevant order of the CAT, vide O.A. No. 2899/2026, Said Ahmad v. Defense, dated 05.08.2026, is also available on record. The said order records that notice had been issued to the Respondents in the matter challenging the impugned orders and that the matter was directed to be listed for completion of pleadings.

5.3 Upon consideration of the submissions and the material available on record, the Court found that the grievance regarding non-relieving for deputation is intrinsically connected with the disciplinary proceedings and the consequential withholding of vigilance clearance. Since the said issues are already the subject matter of proceedings before the competent judicial forum, the Court found no occasion to examine or interfere with the merits of the disciplinary action or the consequential service-related decision in the present proceedings.

5.4 The Court further noted that the Complainant had expressed difficulty in appearing in the present proceedings and had also approached the CAT in relation to the connected disciplinary matter. In view of the nature of the grievance, the pendency of proceedings before the CAT, and the documents already available before the Court, the Court found no further intervention necessary in the matter at this stage.

6. Accordingly, the case is disposed of.

Yours faithfully,

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**(S. Govindaraj)
Commissioner**

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