



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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No: 13839/1022/2023

In the matter of:

Smt. Viran Devi

... Complainant

Versus

The Chairman/Managing Director,

Steel Authority of India Limited (SAIL)

..Respondent

1. Gist of the Complaint

1.1 The Complainant, Smt. Viran Devi, a person with benchmark hearing impairment, filed a complaint dated 22.02.2023, seeking the transfer of her son, Shri Raj Kumar, who works at the IISCO Steel Plant, Burnpur, West Bengal, to a place nearer her residence. The Complainant submitted that she is dependent on her son for care and medical support, and due to her disability and health condition, requires his presence nearby for assistance and treatment. The Complainant further submitted that despite the submission of representations and supporting documents, her request for the transfer of her son on compassionate grounds had not been considered, causing hardship.

2. Notice Issued

2.1 The matter was taken up with the Respondent vide notice dated 27.03.2023 under Section 75 of the RPwD Act, 2016 citing other statutory provisions and government instruction including but not limited to Section 20 (i) & (ii) of the act. Formal Reminders dated 13.04.2023, 09.05.2023, and 06.07.2023 were issued for non-submission of reply within the stipulated time.

3. Respondent's Reply to the Notice

3.1 The Respondent, submitted a response vide email and an accompanying affidavit dated 12.07.2023 and stated that while the employee, Shri Raj Kumar, applied for a compassionate transfer to CMO - Ghaziabad, Delhi, or Kanpur, his request could not be acceded to due to a shortage of suitable manpower in his current department. The Respondent maintained that under the company's Compassionate Transfer Policy, submitting an online application does not confer an automatic right to a transfer and the decision of the Competent Authority is final. Regarding the application of Section 20(5), Section 21, Section 23, and Section 75 of the Rights of Persons with Disabilities Act, 2016, the administration contended that these provisions are inapplicable to the instant case because an employer-employee relationship does not exist between the company and the applicant, Smt. Viran Devi, who is the mother and a declared dependent of the employee. Furthermore, the Respondent asserted that the company complies with all Department of Public Enterprises guidelines and government directives for protecting PwD employees, noting that SAIL has promulgated an Equal Opportunity Policy and circulated its implementation procedures at the IISCO Steel Plant. The Respondent concluded that the rejection of the transfer due to local manpower constraints does not violate the applicant's rights under the Act, as the company is in no manner denying her rights.

4. Rejoinder

4.1 The Complainant submitted a rejoinder dated 17.07.2023 and 11.08.2023 refuting the Respondent's claims and clarifying that she, her unmarried daughter, and her granddaughter reside permanently in Aligarh, Uttar Pradesh, rather than in West Bengal. The Complainant stated that she suffers from severe osteoarthritis and hearing loss, leaving her unable to walk and requiring a total knee replacement, which makes it impossible to relocate to Burnpur and necessitates her son's transfer within a 100 to 200 km radius for her care. She challenged the administrative justification of a manpower shortage by noting that the IISCO Steel Plant employs over 4,000 personnel and has run multiple fresh recruitment cycles since 2022.

4.2 To prove that staff constraints are selectively applied, she submitted a list of 36 employees who secured outward transfers from the same plant, asserting that denials amount to mental harassment of her son, Shri Raj Kumar, whose application had originally been cleared without objection by his Head of Department. She emphasized that her son qualifies under Points 3.0 and 4.0 of SAIL's Compassionate Transfer Policy due to her medical dependency and because his spouse works locally as a lecturer in Uttar Pradesh. Pointing out that

the company's appointment letter explicitly establishes a liability for pan-India postings, she concluded that the prolonged separation has caused her son severe hypertension with blood pressure levels reaching up to 180 mmHg, making his continued isolation highly hazardous.

5. Notice of Legal Framework

5.1 The matter was further looked into with the Respondent vide notice dated 14.01.2024 stating provisions under Article 41 of the Indian Constitution, Sections 20(2), 20(5), 21, 4, 16, 24, 27, 38, Rule 8(3), DOP&T OM No 36035/3/2013-Estt. (Res) dated 31.03.2014, DOP&T OM No. 42011/3/2014-Estt. (Res) dated 06.06.2014, DOP&T OM No. 42011/3/2014-Estt (RR) dated 08.10.2018, and Ministry of Finance OM F.No. 302/33/2/87-SCT (B) dated 15.02.1988.

6. Reply to Legal Framework

6.1 In response to the directions dated 14.01.2024 from the Court of the Chief Commissioner for Persons with Disabilities, SAIL - IISCO Steel Plant, Burnpur examined the matter afresh and submitted an action taken report maintaining that the denial of Shri Raj Kumar's compassionate transfer request does not violate any laws or the rights of his mother, Smt. Viran Devi, under the RPWD Act, 2016. The Respondent stated that the employee has been stationed at Burnpur since joining in 2013, has undergone eleven technical training sessions, and is not a person with a disability under the Act, making prior judicial judgments regarding the transfers or retention of disabled employees legally distinguishable from his circumstances. Furthermore, the management reiterated that family medical dependency declarations require dependents to reside at the employee's place of work. They concluded that because no employer-employee relationship exists between the company and the complainant, and since online applications do not confer an absolute right to a transfer, the decision to reject the request due to institutional manpower constraints remains valid, binding, and compliant with all active Department of Personnel and Training guidelines.

7. Hearing

7.1 A hearing notice was issued by this Court for a hearing on 10.11.2025. In response, the Respondents, vide e-mail dated 07.11.2025, informed this Court that the grievance of the Complainant had already been redressed. The employee, Shri Raj Kumar, had been transferred from the IISCO Steel Plant, Burnpur to the Bhilai Steel Plant on a mutual transfer basis on compassionate grounds vide Office Order No. HR/CCS/56/2025 dated 19.04.2025.

7.2 On 07.11.2025, the Complainant also sent an email with an attached letter

stating her satisfaction, citing the resolution of her grievance and explicitly requesting the withdrawal and closure of her case.

8. Observations and Recommendations

8 . 1 After considering the submissions from both parties, especially the Complainant's email dated 07.11.2025 regarding redressal of the grievance; the Court has determined that no further intervention is necessary.

9. Accordingly, the case is disposed of.

Digitally signed by
Ipsita Mitra
Date: 02-09-2026
13:24:58

(Ipsita Mitra)

Dy. Chief Commissioner for Persons with Disabilities