



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/6398

**Dated:** 03/09/2026

**Diary No:** DNO/26/CCPD/6398

**In the Matter of**

**Complainant**

Ms. Jancy D. (represented by Shri D. Sam Thomas)

**Versus**

**Respondent(s)**

The Director General, Employees State Insurance Corporation

**1. Background of the Case**

1.1 The Complainant, submitted a grievance dated 14.07.2026 stating that he is working as a Nursing Officer at ESIC Hospital, Tirunelveli, and is the only son and primary caregiver of his mother, who is a person with benchmark permanent locomotor disability and holds a valid UDID certificate. He stated that he was initially appointed at ESIC Hospital, Delhi in 2009 but was transferred to Tamil Nadu in 2013 on compassionate grounds to take care of his disabled mother, after giving up his seniority and promotional opportunities. He further submitted that during the Annual General Transfer processes in 2025 and 2026, he requested to be retained at Tirunelveli, citing his mother's disability, his role as her only caregiver, his spouse's government employment, and the education of his children. Although the Zonal Medical Commissioner recommended his retention in accordance with the DoPT Office Memorandum dated 02.02.2024, he was transferred to ESIC Hospital, Raigarh, Chhattisgarh, by order dated 26.06.2026. He has requested intervention for cancellation of the transfer and retention at Tirunelveli in view of his responsibilities as the sole caregiver of his mother with benchmark disability.

**2. Hearing**

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275  
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364,  
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E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पया भविष्य मे पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

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2.1. 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 D. Sam Thomas                    | Complainant  |
| 2       | Shri Mayur, Deputy Director           | Respondent   |

**3. Record of Proceedings**

3.1 During the proceedings, the Complainant submitted that he had challenged his transfer before the Central Administrative Tribunal (CAT), Chennai, and that the matter had subsequently been taken up before the Court on the ground of disability-related safeguards and reasonable accommodation under the RPwD Act, 2016. He stated that the transfer order and relieving order had been issued, and that he had approached the CAT on 29.06.2026. He further submitted that the earlier proceedings before the CAT had been disposed of with directions relating to the transfer order and speaking order. Thereafter, he filed the present complaint before the Court on 14.07.2026. He further stated that a speaking order and relieving order were issued by the Respondent on 23.07.2026 and that he subsequently filed another O.A. vide number 901/2026 dated 03.08.2026, before the CAT, Chennai, which was pending. He submitted that the issue before the Court concerned consideration of disability-related safeguards and reasonable accommodation prior to his transfer and that he had also informed the CAT regarding the proceedings before the Court.

3.2 The Court noted that the Complainant had instituted proceedings before the CAT challenging the transfer and that another O.A. dated 14.08.2026, concerning the same subject matter was pending before the CAT. The Court observed that although the Complainant had sought to distinguish the proceedings by submitting that the present complaint concerned disability-related safeguards, reasonable accommodation and his status as a caregiver, the underlying grievance before both forums related to the same transfer. The Court accordingly observed that the same subject matter could not be simultaneously adjudicated before two different forums. The Court further noted that the Complainant had stated during the proceedings that the provisions relating to disability had also been mentioned in his submissions before the CAT.

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3.3 The Respondent contended that the Complainant filed O.A. No. 901 of 2026 before the Central Administrative Tribunal, Chennai Bench, challenging his transfer from ESIC Hospital Tirunelveli to ESIC Hospital Raigarh, along with the associated speaking and relieving orders, while seeking retention at Tirunelveli or posting to Chennai. In their reply vide email dated 14.08.2026, the Respondents contest that the application should be dismissed, emphasizing that Nursing Officers carry All India Transfer Liability and that his transfer under AGT-2026 was ordered in the public interest to meet acute functional staffing needs at Raigarh after he exceeded the 10-year tenure limit with nearly 13 years of continuous service at Tirunelveli.

3.4 In view of the pendency of proceedings before the CAT in relation to the same subject matter, the Court found that it was not appropriate to examine the grievance in the present proceedings. The Complainant was accordingly advised to raise the issue concerning his disability-related safeguards and caregiver status before the CAT in the pending proceedings. The Court clarified that the Complainant's entitlement under the applicable provisions could be considered by the competent forum and, since the matter was already pending before the CAT, no further intervention was considered necessary by the Court.

4. Accordingly, the case is disposed of.

**Yours faithfully,**

**(S. Govindaraj)  
Commissioner**

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