



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. 13972/1022/2023

In the matter of—

Shri B. S. Rajput

...Complainant

Versus

**The Secretary,
Ministry of Communications, Department of Telecommunications,
New Delhi**

...Respondent

1. Gist of Complaint

1.1 Shri B. S. Rajput, a person with benchmark locomotor disability and working as Junior Wireless Officer in the Department of Telecommunications (DoT), filed the present complaint regarding his proposed transfer/posting from Bhopal. He sought retention at Bhopal or posting at a place near his native place, in accordance with the Government instructions applicable to employees with disabilities.

1.2 The Complainant submitted that he was posted at the Wireless Monitoring Station, Bhopal, and that his native place was also in the vicinity of Bhopal. He contended that employees with disabilities should, as far as possible, be exempted from routine transfers and given preference for posting at or near their home town/native place. He further submitted that his wife was undergoing medical treatment at Bhopal and that his family support system was available there. According to him, transfer to another station would cause physical, mental and financial hardship.

2. Notice Issued

2.1 The matter was taken up with the Respondent vide notice dated 15.12.2023, with reference to Sections 75, 77, 3, 20(5), 21 and 23 of the Rights of Persons with Disabilities Act, 2016 read with Rule 8 of the RPwD Rules, 2017.

3. Reply filed by the Respondent

3.1 The Respondent submitted its reply and stated that the Complainant had joined the Department in 2011 and had remained posted at Bhopal for a considerable period. It was submitted that Bhopal was a metro/urban posting and that transfer decisions were taken keeping in view organisational requirements and the rotational transfer policy.

3.2 The Respondent further submitted that the Complainant had already been permitted to continue at Bhopal for several years and that additional time had earlier been granted considering his circumstances. It was stated that further retention at Bhopal was not feasible in view of the transfer requirements of other officers and administrative considerations.

4. Rejoinder

4.1 The Complainant submitted rejoinders vide emails dated 18.05.2023, 19.05.2023 and 30.05.2023, reiterating that the applicable provisions and Government instructions concerning employees with disabilities had not been adequately considered. He further reiterated that posting at or near Bhopal was necessary on account of his disability-related hardship and medical/family circumstances.

5. Hearing

5.1 A hearing was conducted in hybrid mode on 11.11.2025, wherein the following parties/representatives were present:

S. No.	Name & Designation	Parties	Mode of Attendance
1.	Shri B. S. Rajput	Complainant	Online
2.	Shri Sudhir Kumar, Deputy Secretary (Admin-II), DoT	Respondent	Online
3.	Shri Amit Kundan, Under Secretary, DoT	Respondent	Online

6. Record of Proceedings

6.1 During the hearing, the Complainant submitted that his transfer from Bhopal had caused him hardship on account of his benchmark disability and that his family and support system were located in and around Bhopal. He further contended that the transfer policy had not adequately taken into account the safeguards applicable to employees with disabilities.

6.2 The Respondent submitted that the transfer was made in accordance with the general tenure/rotational transfer policy after the Complainant had completed a substantial period at Bhopal. It was stated that transfers were undertaken keeping in view vacancies, tenure and administrative requirements.

6.3 The Respondent further submitted that the Department was willing to consider accommodating the Complainant at Bhopal during the forthcoming annual transfer cycle. It was stated that the necessary process would be initiated and that the matter would be placed before the competent authorities for consideration.

7. Observations and Recommendations:

7.1 The Court has considered the submissions made by both parties and the applicable statutory and administrative framework. The Complainant is a person with benchmark disability and his grievance relates to his transfer/posting from Bhopal and the difficulties allegedly arising therefrom. While transfer and posting fall within the administrative domain of the Respondent, such decisions in respect of employees with disabilities are required to be considered in the light of Section 20(5) of the RPwD Act, 2016, Rule 8(3)(c) of the RPwD Rules, 2017, and the applicable DoPT instructions relating to reasonable accommodation, preference in transfer and posting, and exemption from routine/rotational transfer, subject to administrative constraints. In this regard, DoPT vide O.M. No. 36035/3/2013-Estt. (Res.) dated 31.03.2014, inter alia, provided that, as far as possible, persons with disabilities may be exempted from the rotational transfer policy/transfer and that preference in the place of posting may be given to such employees, subject to administrative constraints. The aforesaid guidelines were subsequently reiterated by DoPT vide O.M. No. 36035/44/2023-Estt.(Res.-II) dated 02.02.2024.

7.2 The Court takes note of the Respondent's submission that the Complainant's request for posting at Bhopal may be considered during the forthcoming annual transfer cycle, subject to approval of the competent authority. In view of the circumstances brought on record, the Respondent is advised to consider the Complainant's request for posting at Bhopal empathetically, in accordance with the applicable DoPT instructions, its transfer policy and the principles of reasonable

accommodation, while duly taking into account the administrative requirements of the Department.

7.3 The Respondent is further advised to take a considered decision on the Complainant's request at the earliest and communicate the outcome to him. A status report regarding the action taken may be furnished to this Court within 30 days from the date of receipt of this Order.

7.4 It is clarified that the above observations and recommendations are not intended to interfere with the administrative discretion of the Respondent in matters of transfer and posting. However, while taking a decision in the matter, the Respondent may ensure due consideration of the disability-related safeguards, reasonable accommodation requirements and the applicable DoPT instructions.

8. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 10-09-2026
12:31:53

(S. Govindaraj)
Commissioner for Persons with Disabilities