



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
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. CCPD-OF-0021/1022/2026

To,

- The Director General Ordnance Factories, Kolkata** jpdas@ord.gov.in
- The Chairman and Managing Director, Munitions India Limited**
mil@munitionsindia.co.in ; pune@munitionsindia.in

Sub: Notice to file comments on the complaint dated 22-04-2026 filed by Shri Krishna Chandra Sethy, JWM/T (Mech), regarding transfer to a MIL unit at Pune on grounds of caregiving for his child with benchmark disability – reg

Madam /Sir,

I am directed to enclose herewith a copy of the complaint dated 22-04-2026 along with its relevant documents submitted by **Shri Krishna Chandra Sethy, JWM/T (Mech)**, Ordnance Factory Badmal, on the above-mentioned subject, which is self-explanatory.

2. Whereas, a preliminary hearing was conducted on 12.08.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Krishna Chandra Sethy	Complainant
2.	Adv. Barkhaa, National Medical Commission	Respondent 1
3.	Dr. Neha Chawla Guliani, Associate professor, LHMC	Respondent 1
4.	Shri N P Naik, Director HR	Respondent 2

2.1 And wherein, the Complainant, Shri Krishna Chandra Sethy, Junior Works Manager (Mechanical), and the Respondent, Munitions India Limited (MIL), represented by the Director (Human Resources), appeared before the Court. During the hearing, the Complainant reiterated that his son has 59% intellectual disability and requires continuous speech therapy, behavioural therapy, special schooling, parental counselling and other medical support, including treatment available at KEM Hospital, Pune. He submitted that he had sought transfer from Ordnance Factory, Badmal, Odisha to a MIL unit at Pune on medical/compassionate grounds so that he could provide appropriate care and treatment to his son, but his requests had not been accepted. The Respondent submitted that the Complainant had earlier served at the same station for a considerable period and was transferred to Badmal in July 2023 at his own request on account of his father's ill health. It was further submitted that, after serving at Badmal for about one and a half years, the Complainant had again sought transfer to Pune on the ground of his child's disability and that the transfer committee had not found the request acceptable. The Respondent also submitted that, if required, the Complainant could be considered for another station where suitable medical facilities were available.

2.2 And whereas, upon hearing the submissions, the Hon'ble Commissioner observed that while the Complainant's status as a caregiver of a child with disability is required to be duly considered, the benefit of caregiver-related provisions cannot be treated as an absolute entitlement to a particular station or exercised repeatedly without consideration of administrative requirements. At the same time, the Court observed that the interests of the child with disability, who is dependent upon appropriate medical and rehabilitative support, ought not to be adversely affected on account of administrative considerations. The Respondent was accordingly recommended to undertake a rational and objective assessment of the availability and adequacy of medical, therapeutic and rehabilitative facilities at the Complainant's present place of posting and to examine whether such facilities are reasonably accessible to the child. In the event that the requisite facilities are not available and the Complainant's request is found justified on the basis of the child's care and treatment requirements, the Respondent may consider his transfer to Pune or to another suitable station where adequate facilities are available, subject to administrative feasibility and applicable rules. The Respondent is further recommended to submit an Action Taken Report (ATR) within **thirty (30) days** from the date of receipt of these proceedings, indicating the assessment undertaken, the availability of requisite facilities and the decision taken on the Complainant's request for transfer.

3. And whereas Section 3 of the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as “the Act” provides as under:

“3. (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.”

3. And whereas Section 21 of the Act, mandates that every establishment shall notify Equal Opportunity Policy and shall register a copy of the same with the Chief Commissioner.

4. And whereas Section 23 of the Act makes it mandatory for every government establishment to appoint a Grievance Redressal Officer and to inform the Chief Commissioner about such appointment.

5. And whereas Section 75(1) (a) and (b) of the Act mandates the Chief Commissioner for Persons with Disabilities to identify, suo motu or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps and to look into complaints inter-alia, concerning matters relating to deprivation of rights of persons with disabilities either on his own motion or on the application of any aggrieved person or otherwise.

6. And therefore, you are hereby advised to forward your comments on the Complaint on an **affidavit** signed by an officer of an appropriate seniority not below the level of Group ‘A’ officer and to produce all the requisite documents upon which you base your Comments or Claim and where you rely on any other document as evidence in support of your comments or claim, you shall enter such documents in a list to be annexed to the Comments on Complaint along with action taken in compliance with statutory provisions as mentioned at paras 3 & 4 above, to this Court within **30 days** from the date of issue of this communication, failing which, the Complaint may be disposed of ex-parte. **While responding to this notice due**

care may be taken of relevant provisions of the Act, other statutory provisions, and government instructions such as the ones mentioned above including but not limited to sections 20 (5) & 21 of the Act read with Rule 8 (3) (c) of the RPwD Rules, 2017 and DoPT OM No. 36035/44/2023-Estt. (Res-II) dated 02.02.2024.

7. A copy of your reply should also be served to the Complainant **via email and by post and the proof of service be submitted to this Court along with your Reply**. You may also provide additional inputs, relevant to the case, if desired. However, it is to be informed that in case any statutory provision, any judgment of a High Court or the Supreme Court, rules formulated under any statute, Office Memorandum, or bye-law is relied upon, you shall attach a copy of the same along with your comments on the Complaint. The Complainant may file his rejoinder, if any, to this Court within 15 days with a copy to the Respondent(s).

**Digitally signed by
Vikas Trivedi
Date: 17-09-2026
15:05:15**

(Vikas Trivedi)

Dy. Chief Commissioner

To,
Shri Krishna Chandra Sethy