



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/6122

Dated: 21/09/2026

Case No: DNO/26/CCPD/6122

In the Matter of

Complainant

Shri Mohan Singh

Versus

Respondent(s)

The General Manager, North Central Railway

1. Hearing

1.1. A preliminary hearing was conducted on 05.08.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1	Shri Mohan Singh	Complainant
2	Shri Sanjay Kumar Singh, Deputy Chief Personnel Officer	Respondent

2. Record of Proceedings

2.1 The Complainant, Shri Mohan Singh, a retired Chief Office Superintendent of North Central Railway and a person with 50% locomotor disability, submitted a grievance dated 04.04.2026 contesting that despite being eligible for notional promotion from Group 'C' to Group 'B' with effect from 30.06.2016 under the DoPT Office Memorandum dated 28.12.2023 and the corresponding Railway Board instructions, the

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Respondent had failed to extend the benefit. He contended that although he had submitted several representations, the Respondent had merely explained the normal promotion procedure without examining his claim for notional promotion under the revised policy applicable to persons with benchmark disabilities. He alleged violation of the applicable DoPT and Railway Board instructions as well as the provisions of the Rights of Persons with Disabilities Act, 2016, and sought notional promotion to the post of Assistant Personnel Officer with effect from 30.06.2016, along with all consequential benefits.

2.2 The Respondent, represented by the Deputy Chief Personnel Officer, North Central Railway, submitted that the policy providing reservation in promotion for persons with benchmark disabilities was introduced pursuant to the DoPT Office Memorandum dated 17.05.2022, and was subsequently clarified through the Office Memorandum dated 28.12.2023, which extended the benefit retrospectively from 30.06.2016, subject to the condition that the concerned employee was found eligible and suitable for promotion. It was further submitted that promotions to the post of Assistant Personnel Officer are made through a prescribed selection process comprising notification of vacancies, scrutiny of applications, written examination, viva voce, and preparation of the panel on the basis of performance and seniority. According to the Respondent, the Complainant had not appeared in any departmental selection conducted after 30.06.2016 and, therefore, was not eligible to be considered for notional promotion.

2.3 Upon hearing the submissions, the Court sought clarification from the Respondent regarding the promotion process, including the eligibility criteria, the notifications issued after 30.06.2016, and the dates on which departmental selections were conducted. The Court also sought clarification from the Complainant regarding the timing of his claim, particularly why the grievance was raised after his retirement, and examined the applicability of the relevant DoPT Office Memoranda issued in 2022 and 2023.

2.4 The Complainant submitted that he was not seeking actual promotion or appointment to the promotional post after retirement but only notional promotion and consequential service benefits as envisaged under the applicable DoPT instructions. He specifically relied upon the para 2 of the DoPT Office Memorandum No. 36012/1/2020-Estt.(Res.-II) dated 28.12.2023 which states the following:

The benefit of reservation in promotion on a notional basis shall be available for promotions made through both seniority quota and Departmental Examination/Departmental Competitive Examination. In cases where the departmental examination had already been conducted during the period from 30.06.2016 to 16.05.2022, the eligibility of PwBD candidates may be assessed on the basis of their performance in such examination. Further, the concerned Administrative Authorities are vested with the discretion to hold a special examination for assessing the

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suitability or eligibility of PwBD employees for such Departmental Competitive Examination, wherever considered appropriate.

2.5 The Court observed that the principal issue requiring examination was whether the Complainant's claim for notional promotion falls within the scope of the DoPT Office Memoranda dated 17.05.2022 and 28.12.2023, why is the Complainant not being considered for notional promotion, and whether the requirement of assessment of suitability under the said instructions had been duly considered by the Respondent in the facts of the present case.

2.6 Accordingly, the Court recommended the Respondent to file comprehensive written submissions, along with all relevant records, including copies of the applicable promotion notifications, selection procedures, and documents relied upon to justify denial of notional promotion, within ten (10) days, with a copy to be served upon the Complainant.

2.7 The Court further granted liberty to the Complainant to file a rejoinder, together with any additional documents in support of his claim, within five (05) days of receipt of the Respondent's written submissions.

2.8 The Court observed that upon receipt of the written submissions and rejoinder, the matter would be examined on the basis of the pleadings and documentary evidence placed on record. If considered necessary, a further hearing may be conducted; otherwise, appropriate orders shall be passed on the basis of the material available on record.

3. This is issued with the approval of the Commissioner for Persons with Disabilities.

Yours faithfully,

(VIKAS TRIVEDI)
Dy. Chief Commissioner

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