



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.ccpd.nic.in

Case No. CCPD/14589/1022/2023

In the matter of —

Complainant:

Shri Indrajeet Jena

Versus

Respondent:

The Chairman and Managing Director

NTPC Limited

1. Gist of the Complaint:

1.1 Shri Indrajeet Jena, a person with 60% locomotor disability filed a Complaint dated 19.10.2023 regarding denial of reservation in promotion and request for transfer to native place.

1.2 The Complainant employee of NTPC working as Senior Specialist (Paediatrics) in E6 grade, alleged that NTPC discriminated against him by denying his time-bound promotions from E6 to E7 and subsequently E7 to E8, which he claims were due from March 2018 onward. He contended that despite appearing for promotion interviews, he was not promoted because he could not opt for transfer anywhere in India, as relocation away from his native place in Odisha was difficult due to his disability. He further alleged that NTPC failed to provide reasonable accommodation by considering his request for posting at or near

Talcher/Kaniha/Bhubaneswar, despite suitable vacancies, and instead transferred him from TTPS Talcher Thermal to Simhadri, Andhra Pradesh, in May 2023 without promotion. He relied on the RPwD Act, 2016, its Rules, the erstwhile PWD Act, 1995, and various orders of the Chief Commissioner for Persons with Disabilities and Supreme Court concerning reservation in promotion and preferential transfer/posting of employees with disabilities. He sought promotion to E8 (Senior Consultant, Paediatrics) and transfer to ER-2 HQ Bhubaneswar, TTPS Talcher Thermal, or TSTPS Kaniha, alleging that the absence of reasonable accommodation and failure to apply disability-related protections had adversely affected his career progression..

2. Notice issued to the Respondents:

2.1 A notice dated 02.11.2023 was issued to the above mentioned Respondents for forwarding comments on affidavit within the statutory time limit.

3. Reply filed by the Respondents:

3.1 The Respondents have filed their reply dated 12.12.2023 and On the Promotion Issue - NTPC states that promotions are based on merit-cum-seniority, not time-bound progression. They note that Dr. Jena was actually offered a promotion to E7 in 2019, but he chose to forego it. Subsequent promotion committees evaluated him using standard criteria applicable to all executives, but did not recommend him. Furthermore, NTPC asserts that per DoPT guidelines, reservation in promotion only applies up to the lowest rung of Group A, and since Dr. Jena is already in Group A, reservation rules for further promotion do not apply to him.

3.2 **On the Transfer Issue:** NTPC explains that Dr. Jena served in his home state of Odisha from 2007 until the TTPS plant closed in 2021. He could not be retained in Odisha because there were no vacant pediatrician positions at the nearby Talcher Kaniha plant, the TTPS plant (under construction), or the Regional HQ in Bhubaneswar. He was transferred to NTPC Simhadri in Andhra Pradesh as the closest location where his medical specialty could be utilized.

4. Rejoinder filed by the Complainant:

4.1 The Complainant in his rejoinder dated 25.12.2023 refutes NTPC's claims by arguing that reservation in promotion for Persons with Disabilities (PwDs) applies to all identified Group A posts based on Supreme Court precedents (such as

Rajeev Kumar Gupta), rather than being limited to the lowest Group A entry level. He contends that NTPC's promotions are effectively time-bound and alleges systemic discrimination, noting that despite high workload contributions, excellent performance, and zero dropped promotions among his peers, he has been denied promotion from grade E6 to E7 six times over a ten-year period while junior colleagues were promoted. He challenges NTPC's mandatory mobility requirement as discriminatory toward PwD employees and contends that during the COVID-19 pandemic, he was denied work-from-home accommodations mandated by government guidelines. Finally, he refutes NTPC's argument regarding a lack of transfer vacancies in Odisha by producing evidence of active pediatric and general doctor vacancies at TTPS Talcher Thermal and ER HQ-2 Bhubaneswar, pointing out that non-disabled employees are routinely retained in single locations for decades. He concludes by citing government circulars regarding non-maintenance of the mandatory 100-point vacancy reservation roster for PwDs, requesting the court to direct NTPC to promote him to grade E8 and transfer him back to Odisha.

5. Action Taken Report sent by the Respondents:

5.1 NTPC, in its Action Taken Report stated that Dr. (Shri) Indrajeet Jena was transferred to Talcher Thermal Power Station, Odisha, vide Transfer Order dated 15.02.2024, and was subsequently promoted from E6 to E7 grade with effect from 01.04.2024. Since his transfer request was favourably considered and he was promoted to the next higher grade, NTPC requested the Court to close the case.

6. Hearing:

6.1 A hearing in hybrid mode was conducted on 30.10.2025 wherein the following parties/representatives were present:

S. No.	Name and designation of the Attendees	On behalf of	Mode of Attendance
1.	Shri V Jayanarayanan – NTPC - Chief General Manager	Respondent	Online
2.	Shri Indrajeet Jena	Complainant	Online

6.2 The Complainant, Dr. Indrajeet Jena, submitted that although he became eligible for promotion from E-6 to E-7 and had appeared for promotion from 2018 onwards, he was not promoted for several years, while even juniors were promoted. He stated that he was promoted in 2019 but was simultaneously transferred to a place away from his native State. He requested NTPC to modify

the transfer/posting, including posting him at a nearby NTPC station, considering his disability and circumstances, but his request was not accepted. Consequently, he could not join at the transferred place within the stipulated period and lost the 2019 promotion. He contended that the transfer and promotion process did not adequately consider reasonable accommodation and the preferential treatment available to employees with disabilities.

6.3 NTPC submitted that the Complainant's case had been considered in accordance with its promotion policy, which provides for promotion based on eligibility, qualifications, performance, merit and available vacancies, and not merely seniority. NTPC stated that the Complainant was promoted in 2019 but did not join at the place of posting within the prescribed period, resulting in forfeiture of that promotion, as applicable to all executives. His case was subsequently considered in successive promotion exercises and he was finally promoted from E-6 to E-7/DGM with effect from April 2024. NTPC further stated that he was transferred back to a station in his home State in 2024 and submitted that its policy contains a provision giving preference, subject to administrative requirements, to placement/transfer requests of employees with disabilities. NTPC maintained that the promotion process was transparent and conducted by an independent promotion committee.

7. Observations/ Recommendations:

7.1 The Court observed that the matter concerned both promotion and transfer, particularly the requirement of reasonable accommodation for an employee with disability. It noted that although the Complainant was eligible for promotion in 2019, he was promoted only in 2024 after losing the earlier promotion due to his inability to join at the transferred place, and therefore the delay appeared, to some extent, to have operated as a penalty. The Court referred to Section 20(5) and Section 21 of the Rights of Persons with Disabilities Act, 2016, and relevant Government instructions providing for reasonable accommodation, preference in placement/transfer, exemption from routine transfers and, as far as possible, posting near the native place, subject to administrative exigencies.

7.2. The Hon'ble Supreme Court in *Ravinder Kumar Dhariwal v. Union of India* has recognised that the obligation of reasonable accommodation under Section 20 of the RPwD Act, 2016 is not confined to physical or tangible adjustments and may, depending upon the circumstances, extend to posting an employee with disability at a place closer to home. Accordingly, the Respondent's decision to link the

Complainant's promotion with a transfer, without examining the disability-related request for accommodation, warrants consideration in the light of Section 20 of the RPwD Act and the applicable instructions governing transfer and posting of employees with disabilities.

7.3. The Court advised NTPC to examine whether lack of sensitisation or failure to provide reasonable accommodation contributed to the delayed promotion and to review any benefits that the Complainant may have lost during the intervening period. Since the Complainant had subsequently been promoted and posted in his home State, the Court decided to close the matter with appropriate advisory recommendations to ensure compliance with the legal rights and protections available to employees with disabilities.

8. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 05-10-2026
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(S. Govindaraj)

Commissioner for Persons with Disabilities