



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/6481

Dated: 05/10/2026

Case No: DNO/26/CCPD/6481

In the Matter of

Complainant

Shri Shivlal Babulal Dahikar

Versus

Respondent(s)

The DRM, Central Railway

1. Hearing

1.1. 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 Shivlal Babulal Dahikar	Complainant
2.	Shri Ramesh, Senior DPO	Respondent

2. Record of Proceedings

2.1 During the proceedings, the Respondent, Central Railway, submitted that the Complainant was appointed against a post reserved for persons with visual impairment on 17.12.2015 and was presently working as an Assistant in the Telecom Department. It was submitted that the Complainant had completed

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ten years of service and had become due for financial upgradation under the Modified Assured Career Progression (MACP) Scheme. The Respondent stated that the process for grant of MACP had already been initiated and that certain mandatory documents were being completed. The Respondent assured the Court that the MACP case would be finalised and the consequential order issued within two weeks.

2.2 With regard to regular promotion, the Respondent submitted that promotion is governed by the applicable eligibility conditions, including the prescribed residency/service period, availability of vacancies and availability of posts in the relevant promotional hierarchy. It was stated that the Railway Board had issued guidelines identifying posts for promotion against the PwD quota and that, in the hierarchy relevant to the Complainant, the post of Telephone Operator had been identified. However, the Respondent submitted that no sanctioned post of Telephone Operator in the relevant grade was presently available in the Division. It was further submitted that there were different promotional avenues, including departmental selection and departmental quota/LDC quota, subject to the prescribed conditions.

2.3 The Respondent further submitted that employees are considered for promotion when vacancies are notified and the prescribed eligibility conditions are fulfilled. When specifically asked whether the Complainant had applied for promotional opportunities and had nevertheless not been considered, the Respondent stated that the relevant details would be obtained and furnished to the Court. With regard to training, the Respondent submitted that in-house training programmes were conducted by the administration and assured that, if the Complainant required any additional training, the same would be considered and appropriate training opportunities would be provided.

2.4 The Court observed that the Complainant had completed more than ten years of service since his appointment in 2015 but had not received a single promotion and sought a specific explanation for the same. The Court observed that the non-availability of a suitable identified post or posting could not, by itself, be treated as sufficient justification for keeping the Complainant without promotional progression. The Court emphasised that the Respondent was required to examine the Complainant's eligibility and entitlement against the available promotional avenues and could not indefinitely defer consideration merely on the ground that a suitable post was not available.

2.5 The Court accordingly recommended the Respondent to submit complete records explaining why the Complainant had not been promoted during the preceding years, including his service record, eligibility criteria, promotional avenues, vacancies, details of applications made by him for promotion and the manner in which his candidature was considered. The Respondent was also recommended to furnish the relevant rules/instructions and details regarding identified posts and PwD reservation applicable to the Complainant.

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The Court further indicated that, upon examination of the records, it would consider whether the Complainant was entitled to notional/retrospective promotional benefits from the date on which he first became eligible for promotion.

2.6 The Court recommended the Respondent to proceed with the pending MACP case and issue the consequential order within two weeks, as assured during the hearing, and to submit the status thereof along with the requisite records and detailed response within **three weeks** from the date of this order. Upon receipt and examination of the service records, eligibility criteria, promotional history and the reasons for the Complainant's non-promotion, the Court would pass an appropriate final order in the matter.

Yours faithfully,

(VIKAS TRIVEDI)
Dy. Chief Commissioner

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