



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: 13765/1022/2023

In the matter of

Complainant

Shri Nagender Nath Pathak

Vs.

Respondent(s)

1. The Chief Commissioner, Central GST & Central Excise; Ranchi Zone
2. The Chief Commissioner, Central GST & Central Excise, Tamil Nadu & Puducherry Zone

1. Gist of the Complaint

1.1 The Complainant, Shri Nagender Nath Pathak, an Inspector with a 40% locomotor disability, filed a complaint seeking a two-year extension of his loan-basis transfer to the Ranchi Zone, which was originally granted for three years to alleviate personal hardships and allow proximity to his hometown. Despite provisions in the 2018 departmental notification and interim relaxations for Persons with Benchmark Disabilities (PwBD) that allow for up to five years of loan-basis service, his extension request was rejected, and he was ordered to return to the Chennai Zone under threat of salary withholding. The Complainant, who is the sole caregiver for his elderly father following a road accident, further noted that he was recently promoted to Superintendent, a role he must assume by April 2023, and cited a precedent where a similarly situated PwD employee was granted an extension. He contends that the department's failure to frame a formal transfer policy in accordance with the Rights of Persons with Disabilities (RPwD) Act, 2016, has resulted in an unjust denial of his request.

2. Issue of Notice

2.1 The matter was taken up with the Respondent vide notice dated 20.03.2023 stating provisions u/s 3, 21, 23, 75, and section 20 (3), Rule 8(3), and DOP&T OM No 36035/3/2013-Estt. (Res) dated 31.03.2014.

3. Respondent's Reply to the Notice

3.1 The Assistant Commissioner, CGST & CX, Ranchi Zone, on behalf of Respondent No.1, submitted a reply vide letter dated 24.05.2023, stating that a No Objection had already been granted to the Complainant for transfer on loan basis for a period of two years to CGST & CX, Patna, in the grade of Superintendent, and a corresponding communication had been sent to the Chennai Zone.

4. Rejoinder

4.1 The Complainant, through an email dated 07.06.2023, submitted a Rejoinder stating that Respondent No. 1 had agreed to accept his transfer on loan basis for an additional period of two years in the grade of Superintendent, as per their letter dated 20.04.2023. However, his Parent Commissionerate, i.e., the Tamil Nadu and Puducherry Zone, has not acknowledged the relief granted by Respondent No. 1 and has not issued the required 'No Objection Certificate', thereby preventing him from joining the Ranchi Zone

5. Notice of Legal Framework

5.1 The matter was further looked into with the Respondent vide notice dated 14.01.2024 stating provisions under Article 41 of the Indian Constitution, Sections 20(2), 20(5), 21, 4, 16, 24, 27, 38, Rule 8(3), DOP&T OM No 36035/3/2013-Estt. (Res) dated 31.03.2014, DOP&T OM No. 42011/3/2014-Estt. (Res) dated 06.06.2014, DOP&T OM No. 42011/3/2014-Estt (RR) dated 08.10.2018, and Ministry of Finance OM F.No. 302/33/2/87-SCT (B) dated 15.02.1988.

6. Respondent's Reply to the Notice of Legal Framework

6.1 The Respondent submitted that the department has implemented an Equal Opportunity Policy in compliance with the RPwD Act, 2016, and addressed the Complainant's service history, noting that while his initial request for a two-year extension at the Ranchi Zone was denied for administrative reasons, he was subsequently promoted to Superintendent and posted to the Chennai Outer Commissionerate. Although a new two-year loan transfer to Ranchi was proposed and a temporary extension until June 2023 was granted to facilitate his transition, the Complainant chose to assume his new charge in Chennai on April 25, 2023.

Consequently, the Respondents argue that the request for a loan-basis extension has become infructuous, as the officer is currently serving in the Chennai South Commissionerate in accordance with established DoPT guidelines regarding the transfer of persons with disabilities.

7. Hearing (I)

7.1 A hearing was conducted on 17.05.2025 in hybrid mode wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Nagender Nath Pathak	Complainant
2.	Shri Sujit Kumar Sandhu	Respondent 1
3.	Shri R. Gopalakrishnan, Assistant Commissioner	Respondent 2

8. Record of Proceedings

8.1 During the hearing, the Complainant reiterated his grievance, while the Court questioned the denial of the NOC despite Ranchi Zone's consent; the Respondent argued that the Complainant's promotion and joining in Chennai rendered his earlier request as an Inspector. The Complainant maintained that he submitted a fresh request on 05.04.2023 and pointed to similar cases where officers continued in Ranchi post-promotion, highlighting the inconsistent application of transfer policies for PwD employees.

8.2 After reviewing submissions of both parties, the Court asked the Complainant to submit a fresh representation and asked the Respondent to forward it to higher authorities with recommendations within one week. The Respondent was also asked to furnish a detailed list of employees whose loan-basis tenures were extended post-promotion within three weeks, including an explanation as to why the Complainant's case was treated differently, while Respondent No. 1 was asked to confirm its stance on the transfer.

9. Hearing (II)

9.1 A hearing was conducted on 26.06.2025 in hybrid mode wherein the following parties/representatives were present:

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Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Mr. Madhu Ranjan Kumar, Joint Commissioner, Ranchi Zone, Patna	For Respondent

10. Record of Proceedings

10.1 The Complainant was unable to join the hearing due to personal reasons; therefore, the hearing could not commence. The matter was rescheduled for next hearing date on 06.04.2026.

11. Observation and Recommendation

11.1 No formal reply/ documents sought had been received in response to the the record of proceedings dated 17.05.2025 from either of the parties. The case scheduled for hearing on 26.06.2026 was rescheduled for hearing on 06.04.2026. However, the hearing was cancelled as Shri Nagender Nath Pathak submitted vide e-mail date 04.04.2026 that he wishes to withdraw the case.

11.2 In light of the facts mentioned above and the documents available on record, specifically complainant's e-mail date 04.04.2026, no further intervention of the Court is warranted in this matter.

12. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 05-10-2026
10:55:10

(S. Govindraj)

Commissioner of Persons with Disabilities