



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. CCPD/14147/1024/2023

In the matter of -

Complainant:

Ms. Pratibha Bhatnagar

versus

Respondents:

(1) The Secretary,
Department of Empowerment of persons with Disabilities

(2) The Secretary,
Department of Personnel and Training

1. Gist of the Complaint:

1.1 Ms. Pratibha Bhatnagar, representing the Support Foundation for Autism & Developmental Disabilities (Jaipur, Rajasthan), submitted a representation regarding the framing of special service protection rules for employees with autism and intellectual disabilities. She acknowledged the landmark inclusion of these conditions under the 1% reservation category in government employment, noting that such individuals previously lacked career opportunities. However, she highlighted that without tailored service protection rules and support mechanisms,

these employees struggle with formal communication, workplace etiquette, social interaction, and emotional regulation, leaving them vulnerable to mental harassment, discrimination, and wrongful allegations due to widespread insensitivity among colleagues and officers.

1.2 To address these challenges, the Organization urged the government to establish comprehensive service protection guidelines and mandatory sensitization measures across departments. Specific proposals included appointing nodal officers or "divyang mitras," implementing a buddy system, offering flexible working conditions, ensuring task-based work allocation, and setting up dedicated grievance redressal committees. Furthermore, she called for nationwide orientation programs, workshops, and observance of World Autism Awareness Day to build inclusive workplaces, citing the ongoing struggles of an autistic government employee in Rajasthan to emphasize the urgent need for action.

2. Notice to the Respondents

2.1 A notice dated 22.06.2023 was issued to the above mentioned respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply made by the Respondent:

3.1 The Respondents filed their reply dated 17.07.2023 and stated that that the Department of Personnel and Training had already issued guidelines through OM dated 31.03.2014 for providing facilities and support to Persons with Disabilities (PwDs) employed in Government Ministries, Departments, subordinate offices, Central Public Sector Enterprises, and other establishments. These guidelines require government establishments to identify suitable jobs for PwDs, especially in Groups B and C, and to post such employees in roles they can comfortably perform. The OM also provides for job-specific training and support, including attaching PwD employees with experienced staff members for at least one month to help them learn workplace skills and necessary adaptations.

3.2 The communication further states that subsequent DoPT Office Memorandums dated 15.01.2018 and 17.05.2022 provide for appointment of a senior officer as a Grievance Redressal Officer in every government establishment. Any person aggrieved by discrimination in employment or promotion on the ground of disability may file a complaint before such officer, who must inquire into the complaint within two months and communicate the outcome to the complainant. It was also clarified

that the remaining concerns raised by the complainant regarding autism and intellectual disabilities fall within the jurisdiction of the Department of Empowerment of Persons with Disabilities, to whom the notice of the Chief Commissioner had already been forwarded for appropriate action.

4. Rejoinder by the Complainant:

4.1 The Complainant filed her rejoinder dated 15.08.2023 and expressed dissatisfaction with the responses submitted by Respondent No. 1 and Respondent No. 2 regarding the demand for framing specific service protection rules for employees with autism and intellectual disabilities. It was stated that while the Department of Personnel and Training shifted responsibility to the Department of Empowerment of Persons with Disabilities, the latter merely reproduced provisions of the Rights of Persons with Disabilities Act, 2016 without taking any concrete action, despite the lapse of more than one year since submission of the request. The complainant further informed that a rejoinder had already been submitted on 10.08.2023 and requested that, considering the seriousness of issues affecting persons with autism and intellectual disabilities who are often unable to effectively raise their grievances, an early physical hearing in the matter be conducted.

5. Hearing:

5.1 A hearing in hybrid mode was conducted on 19.05.2026 and the following parties/ representatives were present:

S. No.	Name and Designation of the Attendees	On Behalf of	Mode of Attendance
1.	Ms. Pratibha Bhatnagar (Secretary, Support Foundation for Autism)	Complainant	Online
2.	Mr. Sandeep Saxena (Director, Department of Personnel and Training / DOPT)	Respondent	Online

5.2 During the hearing, Ms. Pratibha Bhatnagar, representing the Support Foundation for Autism, submitted that employees with autism, intellectual disabilities and specific learning disabilities may face challenges in the workplace, including lack of awareness and sensitivity regarding their specific support requirements, particularly where the disability may not be readily apparent. She submitted that there is a need for greater sensitization of employers and sought

consideration of specific service-related safeguards, sensitization programmes and availability of recruitment data to assess the implementation of reservation. In support of her submissions, she referred to the case of an employee with autism working at the Jaipur Secretariat and stated that certain directions issued at the State level had not been effectively implemented.

5.3 The Respondents, represented by Sh. Sandeep Saxena, Director, submitted that the role of the Department of Personnel and Training (DoPT) primarily relates to issuing instructions concerning reservation and service-related concessions for persons with benchmark disabilities in Central Government services, whereas matters relating to policy concerning persons with disabilities fall within the domain of the Department of Empowerment of Persons with Disabilities (DEPwD). He further submitted that DoPT had issued/re-issued consolidated guidelines in February 2024 providing, inter alia, for identification of suitable posts, accessible workplaces, provision of assistive devices, pre- and post-promotional training and preference in postings, as applicable. He also submitted that institutional mechanisms, including Grievance Redressal Officers and Liaison Officers, are available for addressing grievances relating to persons with benchmark disabilities in Government establishments.

5.4 The Court noted that the Rights of Persons with Disabilities Act, 2016 provides statutory safeguards against discrimination and requires appropriate measures to ensure equality and reasonable accommodation for persons with disabilities. The Court also took note of the concerns raised regarding workplace sensitization and the specific challenges faced by employees with autism, intellectual disabilities and specific learning disabilities. However, in respect of any particular employee, specific facts, supporting material and the relief sought would be necessary to enable appropriate examination of the grievance.

6. Observations and Recommendations

6.1 The Court observed that the RPwD Act, 2016 provides statutory protection against discrimination in employment and requires appropriate measures for reasonable accommodation and an appropriate and conducive working environment for persons with disabilities. The Court also took note of the concerns raised regarding workplace sensitization and the need to enhance awareness among employers and colleagues regarding the requirements of employees with autism, intellectual disabilities and specific learning disabilities.

6.2 The Court observed that grievances relating to a particular employee require specific facts and supporting material to enable the competent authority to

examine the matter and take appropriate remedial action. Accordingly, the Complainant is advised to submit a formal and detailed representation regarding the grievance of the employee with autism at the Jaipur Secretariat, setting out the relevant facts, the specific difficulties faced, supporting documents, and the relief sought, with a copy to this Court.

6.3 The Department of Empowerment of Persons with Disabilities (DEPwD) and the Department of Personnel and Training (DoPT) are recommended to consider strengthening workplace sensitization and orientation programmes in Government establishments concerning autism, intellectual disabilities, specific learning disabilities and other disabilities which may not be readily apparent. The concerned authorities may also consider effective implementation of the existing statutory and administrative safeguards relating to non-discrimination, reasonable accommodation, accessible and conducive workplaces and grievance redressal mechanisms.

7. 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