सत्यमेव जयते
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.ccdisabilities.nic.in

Case No: 13951/1022/2023

In the matter of

Complainant

Shri Sajal Kumar Das

Versus

Respondent(s)

The Director,
O/o the Directorate General of
Lighthouse & Lightships,
Ministry of Ports,
Shipping and Waterways,
Deep Bhawan, D 372/2,
Taratala Road, Kolkata- 700088

1. Gist of Complaint

1.1 The Complainant, Shri Sajal Kumar Das, a Central Government employee with Benchmark Disability currently serving as a Lighthouse Attendant (Group C) and a person with benchmark disability, submitted a complaint dated 05.03.2023 contesting his recent transfer to a single-employee site office in Bishnupur, Bankura. The Complainant states that he suffers from acute and chronic skin disease in both palms alongside Asthma, requiring consistent medical supervision and empanelled hospitals in Kolkata. He contends that his current posting is in an isolated location lacking nearby health facilities and essential amenities, forcing him to rely on expensive transport which exacerbates his physical and financial hardship. He seeks the cancellation of his transfer order and a posting back to the

Kolkata Office in a less laborious role. He emphasizes that such a relocation is necessary to manage his health conditions and provide reasonable accommodation, enabling him to effectively serve the Government for the remainder of his tenure.

2. Issue of Notice

2.1 The matter was taken up with the Respondent vide notice dated 01.05.2023 stating the provision u/s 20 (5), 21, 23, and 75 of the Rights of Persons with Disabilities Act, 2016.

3. Respondent's Reply to the Notice

3.1 The Respondent submitted vide reply dated 06.06.2023 that the Complainant's transfer to Bishnupur was made in public interest after he had served continuously at the Kolkata office for over 34 years since his appointment in 1988. The Respondent maintains that the Complainant has been granted Transport Allowance at double the ordinary rate with effect from 29.11.2016, as per Order No. EST-Ko-01033/1/2020-Admin dated 28.01.2021.The Respondent further submitted that in consideration of the Complainant's health, an additional outsourced staff member has been deployed at the station to assist him, and the station is well-connected to medical facilities and conveyance. The Respondent asserted that the administration operates under an established Transfer Policy for Lighthouse Attendants (formerly Watch & Ward staff), and contends that the current posting at the Bishnupur site was carried out in accordance with these administrative norms.

4. Rejoinder

4.1 The Complainant submitted a rejoinder through a letter dated 06.06.2023 and reiterated his complaint and contested the reply submitted by the Respondent.

5. Notice of Legal Framework

5.1 A subsequent notice was shared with the Respondent vide notice dated 14.01.2024 stating the provisions of Legal Framework Related to Posting/Transfer/Retention of Employees with Disabilities and Caregivers to Dependent Persons with Disabilities u/s Article 41 of the Indian Constitution; 20 (2), 20 (5), and 21 of the Rights of Persons with Disabilities Act, 2016; Rule 8 of the RPwD Rules, 2017.

6. Hearing:

6.1 A notice of hearing was issued to both parties vide email dated 09.05.2025. However, the hearing could not be proceeded with as this Court received an email

dated 06.05.2025 from the Respondent, informing that the Complainant had submitted an application for Voluntary Retirement vide letter dated 11.12.2023, which was accepted by the Competent Authority, and he was accordingly relieved from service w.e.f. 30.04.2024.

7. Observation and Recommendation

7.1 Upon consideration of the complaint, the reply submitted by the Respondent vide letter dated 06.06.2023, the rejoinder submitted by the Complainant vide letter dated 06.06.2023, and the subsequent communication received from the Respondent vide email dated 06.05.2025, it is noted that the Complainant had submitted an application for Voluntary Retirement on 11.12.2023, which was accepted by the Competent Authority and he was relieved from service w.e.f. 30.04.2024.

7.2 In view of the Complainant having ceased to be in service w.e.f. 30.04.2024, the grievance relating to his transfer/posting to Bishnupur no longer survives for consideration. Accordingly, no further intervention in the matter is considered necessary at this stage.

7.3 Accordingly, the complaint is disposed of as having become infructuous in view of the subsequent Voluntary Retirement of the Complainant.

Digitally signed by
Ipsita Mitra
Date: 01-10-2026
13:09:34

(Ipsita Mitra)

Dy. Chief Commissioner