Diary No. DNO/26/CCPD/6586 **Dated:** 07/10/2026

In the matter of

Ms. Shaik Nowheera

(Complainant)

Vs.

The Chief Postmaster General, Delhi Circle

Department of Posts

(Respondent)

1. Background of the Case

1.1 The Complainant, Ms. Shaik Nowheera, is a person with 60% permanent locomotor disability. The complaint has been filed on her behalf by her son, who is her primary caregiver and who is also taking care of his father, who is bedridden and seriously ill following multiple spinal surgeries.

1.2 The Complainant's son is employed with the Respondent in Delhi Circle. He requested transfer from Delhi Circle to Andhra Pradesh Circle under Rule 38 or, alternatively, temporary deputation for one year, on humanitarian and caregiver grounds, so that he can take care of his parents. He stated that he submitted a representation dated 01.07.2026 and delivered hard copies of the same, along with a detailed dossier and medical records on 16.07.2026.

1.3 It was alleged that his grievance on the CPGRAMS portal was closed on the ground that the matter was under process with the Higher Authority, without any interim relief or transfer order despite the medical emergency. It was further alleged that the Respondent denied reasonable accommodation in violation of Section 20 of the RPwD Act, 2016, and the DoPT Office Memorandum dated 08.10.2018, which exempts primary caregivers of dependents with benchmark disabilities from routine transfer.

2. Notice of Admissibility

2.1 A notice dated 24.08.2026 under Sections 75 and 77 of the RPwD Act, 2016, was issued to the Respondent for a hearing on 03.09.2026 to determine the admissibility of the case and find out if this can be

resolved without further quasi-judicial intervention of this Court.

3. Respondent's Submission

3.1 The Respondent, in its reply dated 28.08.2026, submitted that, due to an acute shortage of Postman, Mail Guard and MTS cadres in Delhi Circle, the competent authority approved filling up the vacant posts by seeking willingness from eligible surplus qualified Gramin Dak Sevaks (GDS) of other Circles under a Special Recruitment Drive, as per the Standard Operating Procedure (SOP) issued by the Postal Directorate.

3.2 It was submitted that Para 4(d) of the SOP provides that candidates selected in Delhi Circle shall not be allowed inter-circle transfer under Rule 38 of Postal Manual Vol. IV in the same grade for a period of five years from the date of appointment, except where the official is promoted to a higher grade in Delhi Circle, and that all those appointed under the Special Recruitment Drive were aware of these terms and conditions.

3.3 The Respondent submitted that the Complainant's son was working as a GDS Branch Postmaster in Andhra Pradesh Circle and was a surplus qualified GDS who could not be appointed as a departmental employee on merit. He himself submitted his willingness for appointment as Postman in Delhi Circle under the Special Recruitment Drive, well aware of the terms and conditions, and joined New Delhi South Division on 29.05.2025.

3.4 It was further submitted that the disability certificate of the Complainant was issued on 07.12.2023, i.e. prior to the appointment of her son, and that he was therefore aware of the terms and conditions of the appointment as well as the disability conditions of his mother at the time of applying.

3.5 With regard to the DoPT Office Memorandum dated 08.10.2018, the Respondent submitted that it provides exemption from routine or rotational transfer subject to administrative constraints, whereas no routine or rotational transfer of the Complainant's son has been made by the Respondent, and the instructions are therefore not applicable in this case.

3.6 With regard to Section 20 of the RPwD Act, 2016, the Respondent submitted that the Complainant's son is not a person with disability and was appointed at par with other surplus qualified GDS candidates under the Special Recruitment Drive, on the basis of willingness submitted by him and merit cum preference, and that no discrimination in employment has been done on the ground of the disability of his mother. It was also submitted that he chose the appointment on his own willingness for the higher pay,

allowances and promotional opportunities available to a Postman as compared to a GDS.

3.7 The Respondent submitted that the Complainant's son also addressed the Hon'ble Union Minister for Communications through a representation received on 24.07.2026, seeking relaxation of the five-year lock-in period. In response, the Postal Directorate communicated on 06.08.2026 that, as he has neither completed the prescribed lock-in period nor been promoted to a higher grade, his request for relaxation and inter-circle transfer under Rule 38 is not admissible under the extant policy, and that no provision exists for temporary deputation or attachment to Andhra Pradesh Circle. He was informed accordingly by the Respondent's letter dated 13.08.2026.

3.8 It was further submitted that none of the GDS candidates of other Circles appointed under the Special Recruitment Drive has been transferred either under Rule 38 or through temporary attachment or deputation. Those who so desired were allowed to seek reversion to their original post of GDS and repatriation to their parent Circle within one year of joining Delhi Circle, but the Complainant's son did not apply for the same.

4. Hearing

4.1 A preliminary hearing was conducted on 03.09.2026. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/Respondent	Mode of Attendance
1.	Ms. Shaik Nowheera & Mr. Shaik Saqib Ali	Complainant	Online
2.	Ms. Sapna Kumari, SSPOs, New Delhi South Division, Delhi Postal Circle	Respondent	Online

5. Record of Proceedings

5.1 The Respondent submitted that the matter arises out of a special recruitment drive and is not a case of transfer. It stated that the Complainant's son, who was working as a GDS in Andhra Pradesh Circle, applied for appointment as Postman under the drive and was well aware, at the time of applying, that inter-

circle transfer under Rule 38 of the Postal Manual would not be allowed for a period of five years. It further stated that several candidates appointed under the drive had sought reversion, which was permitted for a period of one year, but the Complainant's son did not apply for the same.

5.2 The Respondent reiterated that no discrimination has been made under Section 20 of the RPwD Act, 2016, and that the matter is one of policy. It stated that the Complainant's son could be considered for inter-circle transfer before completion of five years only if he is promoted to Postal Assistant by clearing the departmental examination, and that, as of now, he cannot be transferred. It also stated that, owing to the nature of the Postman's duties, which require familiarity with the delivery area, transfer is provided for only after five years.

5.3 The Court enquired whether any deputation for a short period could be considered in view of the family situation of the Complainant's son. The Respondent stated that no such provision exists as the appointment was made under a special recruitment drive with clear conditions, and that the matter is a policy matter to be decided by the Postal Directorate.

6. Observations & Recommendations

6.1 The Court observes that the Complainant is not an employee of the Respondent organisation; rather, his son is the employee concerned. Accordingly, the Complainant is advised to refrain from filing complaints in matters relating to his son's service. If necessary, his son may approach the Court directly in his capacity as an employee, or through his caregiver, as applicable.

6.2 The Court noted that the appointment under the special recruitment drive carries a condition regarding inter-circle transfer and that, as per the Respondent, no provision exists for temporary deputation or attachment. The Court is therefore not in a position to recommend re-transfer or deputation where there is no provision for the same.

6.3 Upon consideration of the submissions made by the parties and the material available on record, the Court observes that no violation of the rights of the Complainant under the Rights of Persons with Disabilities Act, 2016 is established in the matter. However, the grievance raised by the Complainant merits consideration from the perspective of finding a practical and reasonable solution. In view of the above, the Respondent is recommended to explore the feasibility of working out an appropriate solution, keeping in view the provisions and principles of the Rights of Persons with Disabilities Act, 2016.

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6.4 With the above observation and recommendation, the matter is disposed of.

Yours faithfully,



(S. Govindaraj)
Commissioner