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

Case No. CCPD/16676/1022/26 **Dated:** 05/10/2026

Notice u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016

Case No: CCPD/16676/1022/26

In the Matter of

Complainant

Ms. Ekta Malik

Versus

Respondent(s)

The Director General, Postal Services

dgposts@indiapost.gov.in

Sub: Notice to file comments in the complaint dated 20-09-2025 of Ms. Ekta Malik, a person with 80% Locomotor Disability, regarding extension/continuation of temporary transfer in Delhi Circle on grounds of caregiving for minor child and family medical circumstances

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **20-09-2025** of **Ms. Ekta Malik**, a person with **80% Locomotor Disability**, on the above-mentioned subject, which is self-explanatory.

2. And whereas, a preliminary hearing was conducted, in Diary No: DNO/26/CCPD/4753, on

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17.09.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Ms. Ekta Malik	Complainant
2.	Shri Ram Naresh Sikaria Director Postal Services (O&HQ) Delhi Circle	Respondent

2.1 And wherein, the Complainant, Ms. Ekta Malik, submitted that she is working as a Postal Assistant and had been temporarily transferred from Mumbai Circle to Delhi Circle, where she was presently serving at Sarojini Nagar Head Post Office under Delhi South-West Division. She submitted that she is a person with 80% disability and that Delhi is her hometown, where her family is based. She further stated that she has a two-year-old child requiring her care and that her mother-in-law, who resides with her, is suffering from cancer. The Complainant sought permanent transfer to Delhi under Rule 38 and stated that she had applied for permanent transfer on 25.08.2026. The Respondent, Department of Posts, submitted that the Complainant had initially sought a temporary extension and that the same had already been granted as a special relaxation, with the present temporary extension being under consideration up to 27.10.2026. It was further submitted that her request for another temporary extension had already been forwarded to the Postal Directorate with a positive recommendation. In respect of permanent transfer, the Respondent submitted that such transfers are considered in accordance with the applicable rules, seniority and availability, and that there are a large number of PwD employees awaiting transfer. The Respondent further stated that PwD employees are given preference at the time of transfer, subject to the applicable provisions.

2.2 And whereas, the Hon'ble Commissioner observed that the Complainant had been receiving temporary extensions for the past four years and that the present grievance primarily concerned her request for permanent transfer to Delhi. The Respondent was directed to submit, within 30 days, a detailed written response specifically addressing the status of the Complainant's application for permanent transfer, the

applicable provisions/rules governing priority to PwD employees in permanent transfers, the number of PwD employees presently in the queue, the status of such queue, and the position of the Complainant therein. The Hon'ble Commissioner observed that the response should also indicate the possibility and availability of permanent transfer to Delhi for the Complainant and the justification for the position taken by the Department, keeping in view the priority accorded to persons with disabilities. Upon considering the submissions and the issues raised, the Hon'ble Commissioner decided to formally admit the Complaint for regular proceedings.

3. Whereas Section 3 of the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as "the Act" provides as under:

> *"3. (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.*
>
> *(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.*
>
> *(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.*
>
> *(4) No person shall be deprived of his or her personal liberty only on the ground of disability.*
>
> *(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities."*

4. And whereas Section 21 of the Act, mandates that every establishment shall notify Equal Opportunity Policy and shall register a copy of the same with the Chief Commissioner.

5. And whereas Section 23 of the Act makes it mandatory for every government establishment to appoint a Grievance Redressal Officer and to inform the Chief Commissioner about such appointment.

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6. And whereas Section 75(1) (a) and (b) of the Act mandates the Chief Commissioner for Persons with Disabilities to identify, suo motu or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps and to look into complaints inter-alia, concerning matters relating to deprivation of rights of persons with disabilities either on his own motion or on the application of any aggrieved person and recommend necessary corrective steps.

7. And therefore, you are hereby advised to forward your comments on the Complaint on an **affidavit** signed by an officer of an appropriate seniority not below the level of Group 'A' officer and to produce all the requisite documents upon which you base your Comments or Claim and where you rely on any other document as evidence in support of your comments or claim, you shall enter such documents in a list to be annexed to the Comments on Complaint along with action taken in compliance with statutory provisions as mentioned at paras 3 & 4 above, to this Court within **30 days** from the date of issue of this communication, failing which, the Complaint may be disposed of ex-parte. **While responding to this notice due care may be taken of relevant provisions of the Act, other statutory provisions, and government instructions such as the ones mentioned above including but not limited to sections 20 (5) & 21 of the Act read with Rule 8 (3) (c) of the RPwD Rules, 2017 and DoPT OM No. 36035/44/2023-Estt. (Res-II) dated 02.02.2024.**

8. A copy of your reply should also be served to the Complainant **via email and by post and the proof of service be submitted to this Court along with your Reply**. You may also provide additional inputs, relevant to the case, if desired. However, it is to be informed that in case any statutory provision, any judgment of a High Court or the Supreme Court, rules formulated under any statute, Office Memorandum, or bye-law is relied upon, you shall attach a copy of the same along with your comments on the Complaint. The Complainant may file his rejoinder, if any, to this Court within 15 days with a copy to the Respondent(s).

Yours faithfully,



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(VIKAS TRIVEDI)
Dy. Chief Commissioner

Copy to:

1) **Ekta Malik**
R-2/42 Mohan Garden Uttam Nagar
NEW DELHI, DELHI, 110059
ektamalik1996@gmail.com
8178144881

Enc. Copies:

1) Disability Certificate
2) Case Document - 1