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

Diary No. DNO/26/CCPD/6738 **Dated:** 09/10/2026

Case No: DNO/26/CCPD/6738

In the Matter of

Complainant

Shri Hari Shankar

Versus

Respondent(s)

1. The Secretary, Railway Board

2. The General Manager, North Central Railway

1. Background of the Case

1.1 The Complainant, Shri Hari Shankar, a person with 40% locomotor disability acquired during service due to a railway accident, submitted a grievance dated 17.08.2026 and stated that he is presently working as Chief Office Superintendent (ChOS) in the Engineering Department under ADEN/ALJN, Aligarh, North Central Railway. After medical de-categorisation, he was provided suitable work in the Engineering Department at Aligarh. He stated that due to his disability, long-distance travel and performing unfamiliar establishment and salary-related work would be difficult. He also has an elderly father of about 85 years and a disabled elder brother who depend on him.

1.2 Despite his representations and applications through the Single Window Cell, his name was retained in the revised transfer order dated 16.07.2026. His challenge before CAT, Prayagraj Bench, was also dismissed. He alleged that his disability, service-acquired disability, medical de-categorisation and the applicable provisions of the RPwD Act, 2016 and Railway Board instructions were not properly considered. He requested that his transfer and relieving be kept on hold, his name be removed from the transfer list, and he be allowed to continue in the Engineering Department at Aligarh as a reasonable accommodation.

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2. Hearing

2.1. A preliminary hearing was conducted on 03.09.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Hari Shankar	Complainant
2.	Shri Vaibhav Kumar Gupta, Senior Divisional Personnel Officer, Prayagraj Division	Respondent 2

3. Record of Proceedings

3.1 During the proceedings, the Respondent No. 2 submitted that following the Complainant's medical de-categorization, he had been accommodated in a ministerial/office-based post at Aligarh. It was submitted that, pursuant to an administrative reorganisation, the engineering establishment work had been transferred to the Personnel Department, along with 38 employees, including the Complainant. The Respondent clarified that the Complainant had not been transferred from Aligarh and would continue to work at the same station, with only the controlling department/officer being changed.

3.2 The Respondent further submitted that the nature of the work assigned to the Complainant remained establishment-related and was substantially similar to the work being performed by him earlier. It was stated that the Complainant had also approached the Hon'ble CAT, which had treated the measure as an administrative arrangement and dismissed his challenge. The Respondent maintained that reasonable accommodation had already been provided by retaining the Complainant at the same place of posting.

3.3 The Complainant submitted that although he had been retained at Aligarh, the revised work allocation and reporting arrangement would cause him difficulty in view of his disability and sought appropriate consideration of his request.

4. Observation and Recommendation

4.1 The Court observed that, since the Complainant had not been transferred and had been retained at the same station, the issue of transfer did not arise for intervention. However, having regard to the statutory obligation under **Sections 2(y) and 20(2) of the RPwD Act, 2016**, the question of suitable adjustment in work allocation may be considered as a measure of reasonable accommodation, where such adjustment is necessitated by the Complainant's locomotor disability.

4.2 Reasonable accommodation is required to be assessed having regard to the individualised disability-related needs of the employee, the essential requirements of the post and the legitimate administrative requirements of the establishment. Any accommodation should facilitate the employee's effective participation on an equal basis and should not result in discriminatory or punitive treatment on account of disability. The Hon'ble Supreme Court in *Vikash Kumar v. UPSC*, (2021) 5 SCC 370, has recognised reasonable accommodation as a positive obligation and emphasised the need for an individualised, case-specific assessment.

4.3 Accordingly, the Respondent may consider, at the administrative level, whether the existing allocation of duties gives rise to any disability-related barrier or inconvenience and, if so, whether the same can reasonably be addressed through suitable adjustment in work allocation, without compromising the essential requirements of the post or imposing a disproportionate or undue burden upon the establishment. In view of the same, an Action Taken Report (ATR) may be submitted to this Court within 30 days from the date of this order. Consequently, the Court has determined no further intervention necessary.

5. Accordingly, the case is disposed of.

Yours faithfully,



(S. Govindaraj)
Commissioner