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**
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Case No: 14137/1022/2023

In the Matter of

Shri Pradeep Kumar **…Complainant**

Versus

The Director General, Border Roads Organization …**Respondent**

1. Hearing

1.1. A hearing was scheduled to be conducted on 27.04.2026. However, due to the non-appearance of either of the parties/representatives, the case was re-scheduled for a subsequent hearing.

1.2 A subsequent hearing was conducted on 14.05.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Captain Anuj Rana, Record Officer, GREF Centre and Records	Respondent

1.3 The Complainant was absent during the hearing.

2. Record of Proceedings

2.1 During the proceedings, the Respondent, represented by the GREF Centre / Border Roads Organization, maintained that the Complainant has been accommodated in designated soft areas and highly attractive stations for over 19 years due to his Low Medical Category (LMC) classification. The

Respondent submitted that the Complainant's medical case was formally reviewed by a competent authority on 02.12.2022, resulting in his current deployment to a soft zone in Assam/Arunachal Pradesh equipped with specialized M-1 medical installations. The Respondent contested that because the organization has limited vacancies and extensive commitments in extreme, high-altitude terrain, rotational balancing is required to accommodate multiple competing compassionate and medical claims within the active workforce.

2.2 The Court evaluated the matter to determine the extent of statutory compliance under Section 20 and Section 21 of the Rights of Persons with Disabilities (RPwD) Act, 2016. The Court observed that internal transfer policies and automated rotational schemes cannot supersede central legislative enactments. The Court noted that under the statutory framework, employees with benchmark disabilities are legally protected from routine or rotational transfers and must be accommodated at locations closest to their native place or choice.

2.3 The Court emphasized that an organization’s operational configurations or a past duration of soft postings cannot be used as an argument to deny an explicit right to reasonable accommodation when an employee seeks protection against a destabilizing displacement. Furthermore, the Court raised a preliminary concern regarding whether the Respondent is correctly maintaining a distinct promotional and recruitment roster for PwD staff as separate from general medical categories.

2.4 Accordingly, to bridge the evidentiary gap caused by the Complainant's absence during the online session, the Court advises the Respondent to formally furnish a copy of its latest written response and compliance submissions to the Complainant within three days. The Complainant is recommended to submit his final rejoinder and updated medical records to this Court within seven days of receiving the Respondent’s documentation.

Digitally signed by
Ipsita Mitra
Date: 09-10-2026
15:46:07

(Ipsita Mitra)

Dy. Chief Commissioner for Persons with Disabilities