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/16402/1022/26 **Dated:** 01/10/2026

In the matter of-

Shri Anil Bajiya ...Complainant

Versus

Chief Personnel Officer
North Western Railway, Jaipur
Email: cpo@nwrr.railnet.gov.in ...Respondent

Sub: Recommendation to look into the Complaint dated 24.02.2026 received from Shri Anil Bajiya and dispose of the same with a speaking order in the light of the legal framework relating to transfer/posting of employees with disabilities

Madam/Sir,

I am directed to refer to a complaint dated 24.02.2026 received from Shri Anil Bajiya, on the above-mentioned subject, which is self-explanatory. I am further directed to bring to your notice the legal framework concerning the grievance redressal mechanism in respect of employment and service conditions, particularly transfer/posting of employees with disabilities. The relevant provisions are reproduced/explained in the succeeding paragraphs.

2. Section 23 of the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as “the Act”, provides as under:

23. (1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

3. Rule 10 of the Rights of Persons with Disabilities Rules, 2017 provides for the manner of maintenance of the register of complaints by Government establishments and, inter alia, requires the Grievance Redressal Officer to maintain particulars relating to the complaint, the establishment/person against whom the complaint is made, the gist of the complaint, documentary evidence and details of disposal.

4. The legal framework relating to transfer/posting of employees with disabilities is given as under:

(I) Statutory Provisions and Guidelines

a) Article 41 of the Constitution of India provides that the State shall make effective provisions for securing the right to work, education and public assistance in cases of unemployment, old age, sickness and disablement.

b) Section 20(2) of the RPwD Act, 2016 provides that every Government establishment shall provide reasonable accommodation and appropriate barrier-free and conducive environment to employees with disabilities.

c) Section 20(5) of the RPwD Act, 2016 provides that the appropriate Government may frame policies for posting and transfer of employees with disabilities.

d) Section 21 of the RPwD Act, 2016 provides for an Equal Opportunity Policy by every establishment, detailing the measures proposed to be taken in pursuance of the provisions of the Act.

e) Rule 8 of the RPwD Rules, 2017, prescribing the manner of publication of the Equal Opportunity Policy, provides that the policy of a Government establishment shall, inter alia, contain provisions relating to preference in transfer and posting of persons with disabilities.

5. Relevant instructions from DoP&T: In this regard, DoP&T, being the nodal Ministry of the Central Government on personnel matters, has issued instructions concerning transfer/posting of employees with disabilities, which have also been circulated/adopted by various cadre controlling authorities, including the Railway Board. The relevant instructions include:

(a) O.M. No. 36035/3/2013-Estt.(Res) dated 31.03.2014, providing, inter alia, for exemption from routine/rotational transfer and preference and choice in place of posting in respect of employees with disabilities.

(b) O.M. No. 42011/3/2014-Estt.(Res) dated 06.06.2014, providing for exemption from routine/rotational transfer in respect of Government employees who are caregivers of children with disabilities.

(c) O.M. No. 42011/3/2014-Estt.(RR) dated 08.10.2018, extending the scope of the aforesaid provisions to Government employees who are the main caregivers of dependent brother or sister with disabilities, in addition to a Divyang daughter/son/parents/spouse.

(d) O.M. No. 36035/44/2023-Estt.(Res) dated 02.02.2024, reiterating the provisions relating to exemption from rotational transfer, preference and choice in place of posting in respect of employees with disabilities and caregivers.

6. Analysis of the Provisions & Guidelines

6.1 The Complainant has submitted that he had earlier applied for own request transfer from Mumbai Division to Jaipur Division vide application No. OR00470589 dated 08.09.2023, in which he was placed at Priority No. 2. According to the Complainant, the said application had progressed substantially but was subsequently returned by Jaipur Division due to a technical issue in the HRMS portal.

6.2 The Complainant has further submitted that he thereafter submitted a fresh own request transfer application bearing No. OR00557018 dated 18.04.2024. It has been stated that Mumbai Division, taking cognizance of the circumstances relating to the earlier application, forwarded the subsequent application to Jaipur Division in September 2024 while taking into account the earlier priority.

6.3 The Complainant has alleged that, despite the passage of considerable time, his application has not been processed and that different grounds, including non-availability of vacancy and a change in priority to Priority No. 9, have been communicated to him. He has further referred to information obtained under RTI No. JDNWR/R/E/24/00752 dated 21.10.2024, according to which vacancies were stated to be available in Jaipur Division.

6.4 The Complainant has also submitted that, in connection with his earlier transfer application, where an OBC vacancy was reportedly not available, an NOC was being processed against a vacancy in the UR category in a higher grade. He has accordingly requested that his present application also be considered in

accordance with the applicable Railway transfer provisions.

6.5 The Complainant has stated that he personally approached the office of APO(M), Jaipur Division, NWR, on more than two occasions and also approached the DPO office, but the grievance has allegedly remained unresolved and only assurances have been given.

6.6 The grievance, therefore, essentially relates to the processing of an own request transfer application of a PwD employee, including the effect of the earlier application, the alleged HRMS-related technical issue, priority position, availability of vacancies and applicability of the provisions/instructions concerning transfer and posting of employees with disabilities.

6.7 The aforesaid issues involve examination of service records, HRMS records, the applicable Railway transfer policy, vacancy position and the circumstances in which the earlier application was returned and the subsequent application was assigned its present priority. These aspects are appropriately required to be examined by the concerned establishment/GRO in the first instance.

7. Accordingly, the instant complaint is referred to the Grievance Redressal Officer (GRO), North Western Railway, for examination and appropriate remedial action in accordance with the RPwD Act, 2016, the RPwD Rules, 2017, applicable DoP&T/Railway Board instructions and the relevant service rules.

8. While examining the matter, the GRO/Competent Authority may specifically consider the Complainant's submissions regarding:

(i) his earlier application No. OR00470589 dated 08.09.2023 and Priority No. 2;

(ii) the alleged return of the said application on account of an HRMS technical issue;

(iii) the subsequent application No. OR00557018 dated 18.04.2024 and its forwarding by Mumbai Division;

(iv) the basis for assigning the present priority position;

(v) the vacancy position in Jaipur Division and its relevance under the applicable transfer rules;

(vi) the applicable provisions relating to preference/choice in transfer and posting of PwD employees; and

(vii) any other relevant facts and documents necessary for proper disposal of the grievance.

9. The complaint may kindly be examined and disposed of by the Competent Authority by passing a speaking order within 30 days from the date of receipt of this communication. The speaking order may specifically deal with the issues raised by the Complainant and the applicable rules/instructions and may be communicated to the Complainant.

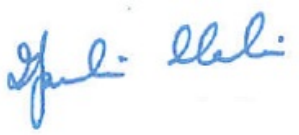
10. The Respondent is advised to submit an Action Taken Report in terms of Section 76 of the RPwD Act, 2016 within three months from the date of issue of these recommendations, enclosing a copy of the speaking order and indicating the action taken pursuant thereto.

11. Accordingly, the case is disposed of.

Yours faithfully,

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(Ipsita Mitra)
Dy. Chief Commissioner

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