



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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Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

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

Case No. CCPD-OF-0058/1022/2026

To,

The Chairman,
Coal India Limited,
Email: chairman.cil@coalindia.in

Respondent

Sub: Notice to file comments in the complaint dated 09-07-2026 of Shri Suman Kumar Jha, a person with 60% Locomotor Disability regarding non-consideration of transfer request to CIL Headquarters, Kolkata

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **09-07-2026** of **Shri Suman Kumar Jha**, a person with **60% Locomotor Disability** on the above-mentioned subject, which is self-explanatory.

2. Whereas the Complainant vide his earlier application CCPD-OF-0011/1022/2026 dated 09.07.2026 raised the same issue which was disposed of by this Court with an advisory dated 18.08.2026 with directions to the Respondent to remit the case to the GRO for appropriate action as per Section 23 of the RPwD Act and submission of the Action Taken Report within two weeks of their registration.

3 . And whereas, a preliminary was conducted on 17.09.2026 in Case No. CCPD-AD-0172/2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.		

	Shri Suman Kumar Jha	Complainant
2.	Shri Piyush Chawla, Liasion Officer, Coal India Limited	Respondent
3.	Shri Anup G. Philip, Sr. Manager (HR/MP&IR), CIL	Respondent
4.	Shri Durga Prasad Samal, General Manager (HR-MP&IR), CIL	Respondent

3.1 And whereas, the Complainant submitted that he is working under Bharat Coking Coal Limited (BCCL), a subsidiary of Coal India Limited (CIL), and had requested transfer to the CIL Headquarters at Kolkata. He alleged that CIL's transfer policy provides for special consideration to employees with disabilities, but despite his request, other employees, including some who had applied subsequently, were transferred to CIL Headquarters, Kolkata. He further submitted that he was subsequently transferred to Dhanbad and that, owing to his disability and the medical treatment of himself and his aged dependent mother being undertaken at Kolkata, frequent travel between Dhanbad and Kolkata was causing him physical and mental difficulties and affecting his family life. The Respondent, represented by the General Manager (HR), CIL, submitted that the matter had already been considered in an earlier proceeding bearing Case No. CCPD/0011/1022/2026, pursuant to which a speaking order had been issued on 15.09.2026. The Respondent explained that, following closure of the concerned establishment, employees had been transferred pursuant to the decision of the competent authority, and that the Complainant's case had not been considered at the relevant stage. The Complainant, however, stated that he had not received the said speaking order and was unable to locate the same in his email.

3.2 And whereas, the Hon'ble Commissioner directed the Respondent to furnish a copy of the speaking order to the Complainant and to the Court within 2 days and observed that the Complainant would be at liberty to submit his rejoinder within one week of receipt thereof. The Hon'ble Commissioner further observed that a person with disability should, as far as possible, not be transferred to a far-away place and that, where the request for posting at the employee's preferred location cannot be accepted, the employer should consider a posting at a location closer to the employee's residence, subject to administrative requirements. Upon considering the submissions and the issues raised, the Hon'ble Commissioner decided to formally admit the Complaint for regular proceedings.

4 . 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."

5. 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.

6. 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.

7. 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 or otherwise.

8. 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 **02 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.**

9. 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 07 days with a copy to the Respondent(s).

(Vikas Trivedi)

Dy. Chief Commissioner

Digitally signed by
Vikas Trivedi
Date: 23-09-2026
21:10:33