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
5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No: CCPD-OF-0045/1022/2026

In the Matter of

Complainant

Shri P.S. Subramanyam

Versus

Respondent(s)

(1) The Chairman and Managing Director, BSNL cmdbsnl@bsnl.co.in

(2) The Secretary, Department of Telecommunications (DoT)
dir-stg1-dot@nic.in

Sub: Notice to file comments in the complaint dated 06-08-2026 of Shri P.S. Subramanyam, primary caregiver of a person with 50% Intellectual Disability regarding transfer away from Bengaluru, non-payment of salary, and non-availability of medical facilities

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **06-08-2026** of **Shri P.S. Subramanyam**, whose daughter is a person with **50% Intellectual Disability**, on the above-mentioned subject, which is self-explanatory.

2. And whereas, a preliminary hearing was conducted, in Diary No: CCPD-AD-0147/2026, on 12.08.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri P.S. Subramanyam	Complainant

2.	PGM Personnel, BSNL	Respondent

2.1 And wherein, during the proceedings, the Complainant, Shri P.S. Subramanyam, reiterated that he is the primary caregiver of his daughter having 50% permanent intellectual disability and that, despite the applicable provisions/instructions concerning employees who are caregivers of persons with disabilities, he had been transferred away from Bengaluru. He further reiterated his grievance regarding non-payment of salary since 21.08.2025 and non-availability of CGHS/BSNL medical facilities/cards. The Complainant submitted that the altered posting order dated 06.08.2026, whereby he was posted to a place approximately 450–500 kilometres away from Bengaluru, did not address his hardship and requested consideration for posting at Bengaluru, where, according to him, suitable vacancies are available. The Respondent, BSNL, submitted that the Complainant had been relieved by the Department of Telecommunications (DoT) on 22.09.2025 for joining BSNL but had not joined thereafter. It was submitted that BSNL had initially issued a posting order dated 17.11.2025 posting him to Jammu & Kashmir on administrative grounds, which was subsequently modified on 06.08.2026 in view of his representations, and that the modified order would be communicated to him. BSNL further submitted that the issue of salary would be dealt with after his joining, as the salary had not been withheld but the Complainant had not joined BSNL.

2.2 And whereas, the Hon'ble Commissioner noted that, although BSNL had issued the altered posting order dated 06.08.2026, the Complainant continued to remain aggrieved, particularly on account of his responsibilities as the primary caregiver of his daughter with intellectual disability and his request for consideration of posting at Bengaluru. The Hon'ble Commissioner also took note of the Complainant's email dated 13.08.2026 seeking impleadment of DoT as a Respondent, wherein he submitted that his parent cadre is ITS Group 'A' controlled by DoT, that he had reported to DoT Headquarters on 21.08.2025, and that DoT, vide order dated 22.09.2025, had treated the relevant period as "Compulsory Wait". The Complainant also referred to DoT Order No. 12-3/2025-STG-I(i) and Office Memorandum dated 15.06.2026, and submitted that issues relating to his cadre status, regularisation of the period of "Compulsory Wait", salary and consequential statutory rights required consideration by DoT as well as BSNL. In view of the role attributed to DoT in relation to the aforesaid issues, the Hon'ble Commissioner considered it appropriate that DoT be impleaded as a Respondent for effective

consideration of the grievance. 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.

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).

Digitally signed by Vikas Trivedi
Date: 12-10-2026 13:26:57

(Vikas Trivedi)
Dy. Chief Commissioner