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-0051/1022/2026

To,

The Managing Director and CEO,
Punjab National Bank
Email: mdps@pnb.co.in

Sub: Notice to file comments in the complaint dated 03-07-2026 of Shri Ajay Kumar, a person with benchmark disability, contesting rotational transfer from the Circle Office, Ghaziabad to Circle Office, Noida

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **03-07-2026** of **Shri Ajay Kumar**, on the above-mentioned subject, which is self-explanatory.

2. Whereas, a preliminary hearing was conducted on 04.08.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Ajay Kumar	Complainant
2.	Shri Arjun, Deputy General Manager, PNB	Respondent

2.1 And whereas, the Complainant, a Senior Manager (IT) and a person with benchmark locomotor disability, reiterated that despite the exemption available to persons with disabilities from routine/rotational transfers under the Bank's policy, he was transferred from Circle Office, Ghaziabad to Circle Office, Noida. He submitted that although suitable vacancies were available at locations significantly

closer to his residence, including one approximately 8.5 kilometers away, his request for posting to the nearest available office was not considered, while the said vacancy was allotted to a non-disabled employee. The Complainant further submitted that he had addressed representations to the competent authorities, including the Grievance Redressal Officer and senior officials of the Bank, but no effective relief was granted.

2.2. An whereas, the Respondent submitted that the Complainant, being an IT officer, could only be posted where technical requirements and vacancies existed. It was further submitted that the transfer was in effect in accordance with the Bank's transfer policy after completion of the prescribed tenure and that, upon the Complainant's request, his posting had already been modified from an office approximately 26 kilometers away to Circle Office, Noida, situated approximately 21 kilometers from his residence. The Respondent contended that no suitable IT vacancy existed at the locations preferred by the Complainant and sought time to file a detailed written response, stating that notice of the present proceedings had been received only on the previous evening.

2.2 And whereas, upon hearing the submissions of both parties, it was observed that employees with benchmark disabilities are ordinarily entitled to protection from routine or rotational transfers and that any departure from such protection must be justified by genuine administrative exigencies supported by cogent material. The Court further observed that where transfer becomes unavoidable due to operational requirements, the employer must demonstrate that reasonable accommodation has been duly considered, including the availability of equivalent posts nearer to the employee's residence and the reasons why such alternatives were not found feasible.

2.3. And whereas, since the Respondent had not yet placed its written submissions or supporting records on file, the Court recommended the Respondent to file a comprehensive written reply within **seven (7) working days**, clearly explaining the administrative necessity for the transfer, the nature of the Complainant's duties, the availability or otherwise of suitable IT vacancies at the preferred locations, and the reasons for not accommodating the Complainant at a nearer station despite his disability. The Complainant was granted liberty to file a rejoinder within **three (3) working days** of receipt of the Respondent's reply. It was further observed that the matter shall thereafter be examined on the basis of the pleadings and supporting documents placed on record, whereupon appropriate orders shall be passed in accordance with law.

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 or otherwise.

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 **07 working 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 03 days with a copy to the Respondent(s).

Digitally signed by
Vikas Trivedi
Date: 12-10-2026
13:50:59

(Vikas Trivedi)
Dy. Chief Commissioner

To,

Shri Ajay Kumar (ajay.k2@pnb.bank.in)