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-AD-0176/2026

In the matter of—

Shri Radha Charan
(Complainant)

Versus

The Commissioner
Kendriya Vidyalaya Sangathan
(Respondent)

1. Background of the Case

1.1 The Complainant, a person with 80% Locomotor Disability, stated that he is working as a Principal in Kendriya Vidyalaya Sangathan (KVS), Chapra, Bihar and filed this complaint seeking transfer to New Delhi on grounds of his benchmark disability and personal hardship. He stated that his disability affects both lower limbs and that he cannot move without an escort. He submitted that he is a 58-year-old single parent, his wife having passed away, and that his dependent children are residing alone in Delhi without him or any natural guardian, causing him severe physical, emotional and mental distress.

1.2 The Complainant further stated that he is presently posted at a place nearly 1000 kilometres from Delhi, that he has less than two years left before superannuation, and that during his service he has been transferred multiple times, including to difficult stations. He contended that the Respondent has not extended to him the safeguards available under the Rights of Persons with Disabilities Act, 2016 and the guidelines of the Department of Personnel and Training (DoPT), which exempt employees with disabilities from routine transfer and provide for preference in posting near their support network, and requested that he be posted to New Delhi.

2. Notice of Admissibility

2.1 A notice dated 14.09.2026 under Sections 75 and 77 of the RPwD Act, 2016, was issued to the Respondent for a hearing on 17.09.2026 to

determine the admissibility of the case and find out if this can be resolved without further quasi-judicial intervention of this Court.

3. Hearing

3.1 A preliminary hearing was conducted on 17.09.2026. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/Respondent	Mode of Attendance
1	Shri Radha Charan	Complainant	Online
2	Shri Amar Pal Singh Brar, Assistant Commissioner, KVS, New Delhi HQ	Respondent	Online

4. Record of Proceedings

4.1 The Respondent submitted that the Complainant was earlier posted as Principal at a Kendriya Vidyalaya in Delhi, where irregularities in the admission process were noticed during his tenure, following which an inquiry was conducted and the admission process was cancelled. The Respondent stated that the Complainant was placed under suspension and, after revocation of the suspension, was posted to a smaller school in Bihar on administrative grounds, as it is a routine practice not to post an officer back to the same school after revocation of suspension.

4.2 The Respondent further submitted that, under the transfer policy, a request for transfer made by an officer transferred on administrative grounds cannot be considered before completion of five years of stay at the new station. It stated that there are very few vacancies of Principal in the Delhi region, which are in large schools, and that there are many eligible applicants with similar difficulties, so that the Complainant's request for transfer to Delhi would be considered along with other applications. The Respondent also stated that the Complainant belongs to Uttar Pradesh and that he was shifted to an adjacent State, and that the Respondent makes efforts to accommodate persons with disabilities at nearby stations as far as possible.

4.3 The Court observed that, whether termed routine or disciplinary, the Complainant could not be retained in the same school, but that his posting to a place nearly 1000 kilometres away from his family could not be accepted. The Court further observed that the Respondent is required to follow the DoPT Office Memorandum on transfer of employees with disabilities, as persons with disabilities cannot be penalised for lapses and the Respondent should, at the least, identify a suitable smaller school at a place nearer to the Complainant's family.

5. Observations & Recommendations

5.1 The Court notes that the Rights of Persons with Disabilities Act, 2016 and the instructions of the DoPT provide protection to employees with disabilities in matters of transfer and posting, including preference in posting at or near a place of their choice, and that these safeguards continue to apply even where a transfer is made on administrative grounds. The Court appreciates the constraints of limited vacancies and competing requests stated by the Respondent, but is of the view that the posting of the

Complainant, a person with 80% Locomotor Disability, at a place nearly 1000 kilometres from his family cannot be supported.

5.2 The Respondent is accordingly recommended to reconsider the posting of the Complainant with due diligence, in keeping with the above instructions and the principles of reasonable accommodation under the RPwD Act, 2016, and to post him to Delhi or, if that is not possible, to a suitable station as close as possible to his family, preferably by the end of the current academic year. The Respondent is recommended to submit an Action Taken Report by 31.05.2027

5.3 In view of the recommendations above, the Court determines that no further intervention is necessary at this stage, and the case is accordingly disposed of.

Digitally signed by
S Govindaraj
Date: 14-10-2026
13:04:20

(S. Govindaraj)
Commissioner