सत्यमेव जयते
न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF THE CHIEF COURTER 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
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Case No. 14472/1022/2023

In the matter of-

Ms. Shweta Mishra **…Complainant**

Versus

Division Railway Manager (DRM)
DRM Road, Bengali Colony N-2
Habibganj, Bhopal
Madhaya Pradesh – 462024
Email – drm@bpl.railnet.gov.in **…Respondent**

1. Gist of the case:

1 . 1 Ms. Shweta Mishra filed the complaint on 05-09-2023 on behalf of her minor son, who is having Autism Spectrum Disorder and multiple disabilities, alleging that the West Central Railway, Bhopal Division failed to provide reasonable accommodation to her husband, the child's primary caregiver.

1.2 Despite repeated representations, her husband was assigned continuous field and outstation duties and compelled to halt outside Bhopal, which severely disrupted the child's medical treatment, rehabilitation therapies, education and overall welfare.

1.3 The Complainant contended that the authorities ignored pending transfer requests, did not consider her family's caregiving needs and continued to exert pressure even after being informed that such postings violated the Rights of Persons with Disabilities Act 2016, particularly Section 9(1) relating to non-separation of a child from parents on the ground of disability. She sought intervention to restrain further outstation postings and requested her husband's transfer to a headquarters-based office role to enable uninterrupted care and

rehabilitation of her child.

2. Notice Issued:

2.1 The matter was taken up with the Divisional Railway Manager on 13-09-2023 citing statutory provisions and government instructions including but not limited to section 20 (5) of the Act and DoPT OM No. 42011/3/2014-Estt. (Res) dated 08.10.2018. Final Reminder was forwarded on 16-10-2023.

3. Legal Framework Letter Issued:

3.1 Legal Framework Letter related to posting/transfer/retention of employees with disabilities and caregivers to dependent persons with disabilities was forwarded on 29-01-2024.

4. Submissions made by the Respondents:

4.1 Divisional Railway Manager, West Central Railway**,** denied all allegations made by the Complainant and contended that the complaint was devoid of merit and liable to be dismissed. It was stated that the Complainant's husband was posted as SSE/Signal (Project), Bhopal, largely at his own request and was primarily assigned office and limited project-related duties such as surveys and SIP verification. They asserted that he was not forced to work beyond office hours, was not assigned additional charge and that his deputation for Non-Interlocking (NI) work and SAT testing at Banapura and New Katni Junction was temporary, essential for railway safety and undertaken as per headquarters' instructions.

4.2 The Railway administration further claimed that reasonable efforts were made to accommodate his family circumstances including earlier postings intended to allow him to return home on time and that transferring him to open line duty was avoided due to its 24-hour operational nature. It was also argued that no violation of the Rights of Persons with Disabilities Act, 2016 including Section 9(1) had occurred and that the relief sought by the Complainant was untenable. Accordingly, the Respondent prayed for dismissal of the complaint.

5. Submissions made in the Rejoinder:

5.1 The Complainant, in her rejoinder dated 10-07-2024 and strongly refuted the assertions made by the Respondent and alleged that the reply affidavit contained misleading, incorrect and incomplete statements that concealed the actual hardship faced by her family. She clarified that despite claims of "office work," her husband was repeatedly assigned extensive field duties, surveys, non-interlocking

works, testing assignments and outstation postings which necessarily required prolonged absence from Bhopal and made caregiving practically impossible.

5.2 She emphasised that survey, SIP verification, NI work, SAT/FAT testing, and late-night travel were inherently site-based and not compatible with caregiving responsibilities. The Complainant asserted that her husband's alleged "consent" or "non-refusal" was illusory, as service rules compelled obedience to orders and discouraged formal refusal or complaints. She highlighted multiple written representations, ignored transfer requests, delayed and evasive responses by the Railway administration and the absence of an effective grievance redressal mechanism, amounting to violation of Section 9(1) of the Rights of Persons with Disabilities Act, 2016.

5.3 The Complainant contended that continuous outstation postings of the sole caregiver resulted in effective separation of a child with severe autism from parental support, adversely impacting his rehabilitation and welfare and therefore sought a permanent and humane solution restraining further outstation duties and ensuring her husband's posting at Bhopal to safeguard the best interests of the child.

5. Hearing: The matter was heard on 24.12.2025 ; wherein following parties/representatives were present:

Sl. No.	Name and Designation of the Party/Representative	Parties	Mode
1.	Smt. Shweta Mishra	Complainant	Online
2.	Shri Dinesh Kumar, Sr. DSTE/Co. BPL,	Respondent	Online
3.	Shri Brijendra Rai, CLA/Personnel, DRM	Respondent	Online

6. Proceedings of the Hearing:

6.1 At the outset, the Complainant reiterated the grievances raised in her complaint. The representative of the Respondent submitted that the employee concerned, i.e., the Complainant's husband, is presently on deputation, which was undertaken at his own request, and is not currently serving with the Respondent.

7. Observations and Recommendations:

7.1 The Court observed that the grievance raised in the present complaint primarily

pertains to the service matters of the Complainant's husband. Accordingly, the employee concerned, being the person directly aggrieved, would be the appropriate person to pursue the grievance before this Court in relation to his service matters. The Complainant, in her capacity as his spouse, cannot substitute herself for the employee in pursuing a personal service grievance on his behalf.

7.2 In view of the above, and particularly since the employee concerned has not approached this Court in respect of the alleged service-related grievance, no effective adjudication or direction is warranted in the present proceedings.

7.3 It is clarified that this Order shall not prejudice the right of the employee concerned to approach the appropriate authority or forum, in accordance with law, for the redressal of his grievance.

7.4 In the event that the employee concerned approaches this Court by filing a fresh complaint alleging any violation of rights guaranteed under the Rights of Persons with Disabilities Act, 2016, the same shall be considered in accordance with law.

8. Accordingly, the complaint is disposed of.

Digitally signed by
S Govindaraj
Date: 15-10-2026
10:18:40

(S. Govindaraj)
Commissioner for Persons with Disabilities