न्यायालय मुख्य आयुक्त
COURT OF 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 and Empowerment
भारत सरकार/ Government of India

Case No. CCPD/16640/1022/26 **Dated:** 21/09/2026

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

Case No: CCPD/16640/1022/26

In the Matter of

Complainant

Shri Jangme Adinath Prakash

Versus

Respondent(s)

The Chairman, Coal India Limited

Sub: Notice to file comments in complaint dated 15.07.2026 of Shri Adinath Prakash Jangme, a person with 40% Low Vision, regarding non-consideration of request for inter-company transfer from SECL to WCL on disability and family grounds

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **15.07.2026** of **Shri Adinath Prakash Jangme**, a person with **40% Low Vision**, on the above-mentioned subject, which is self-explanatory.

2. And whereas, a preliminary hearing was conducted, in Diary No: DNO/26/CCPD/6409, on

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18.08.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Jangme Adinath Prakash	Complainant
2.	Shri G Mohanesh Chengappa, Snr. Manager (HR)	Respondent

2.1 And whereas, the Complainant submitted that he had sought inter-company transfer from South Eastern Coalfields Limited to Western Coalfields Limited, Maharashtra, on the ground that his wife is employed in the Health Department of the Government of Maharashtra and cannot be transferred owing to the nature of her service. He further submitted that, due to his disability, he requires family support and has been living away from his family for more than a year, causing him considerable personal and social hardship. He stated that although the two concerned companies had initially agreed to the transfer, his request was subsequently rejected at the Coal India Limited headquarters level. The Respondent submitted that the Complainant had applied under the "working spouse outside CIL" category, for which no specific provision existed in the applicable transfer policy. It was further submitted that the policy provided consideration of transfer on medical grounds in cases of complete blindness, whereas the Complainant had 40% Low Vision, and that the provision relating to working spouses was applicable where both spouses were employed within Coal India Limited. The Respondent, however, acknowledged that PwBD employees were ordinarily not to be disturbed from their place of posting and, where transfer was mandatory, efforts were to be made to retain them or post them at the nearest possible location.

2.2 And whereas, upon hearing the submissions of both parties, the Hon'ble Commissioner observed that the Complainant, having 40% Low Vision, falls within the definition of a person with benchmark disability and is therefore entitled to the statutory protections and entitlements available under the Rights of Persons with Disabilities Act, 2016 and the applicable rules and instructions. The

Court observed that the distinction sought to be made by the Respondent between complete blindness and 40% Low Vision could not, by itself, be relied upon to deny the Complainant the protection applicable to employees with benchmark disabilities. The Court further observed that the applicable DoPT/DEPwD instructions require due consideration of the choice of posting/location of employees with disabilities, including posting at or near their native place/residence, so as to facilitate family support and reasonable accommodation, and that an internal departmental policy cannot override statutory rights and entitlements under the RPwD Act. In view thereof, the Court recommended that the Respondent reconsider the Complainant's request for transfer in light of the applicable statutory and administrative provisions and take necessary action accordingly. The Respondent was granted **30 days** to file a detailed response in the matter.

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.

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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).

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Yours faithfully,

(VIKAS TRIVEDI)
Dy. Chief Commissioner

Copy to:

1) **Jangme Adinath Prakash**
AT- Bhalkudaki Tq- Palam Dist- Parbhani
PARBHANI, MAHARASHTRA, 431536
adinathjangme6@gmail.com
7972140694

Enc. Copies:

1) Disability Certificate
2) Case Document - 1