



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/16581/1022/26

Dated: 21/09/2026

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

Case No: CCPD/16581/1022/26

In the Matter of

Complainant

Shri Surjeet Kumar

Versus

Respondent(s)

The General Manager, Southern Railway

gm@sr.railnet.gov.in

Sub: Notice to file comments in complaint dated 27.07.2026 of Shri Surjeet Kumar, a person with 55% Locomotor Disability, regarding inter-divisional transfer from Salem Division (SR) to Dhanbad Division (ECR) on disability and caregiver grounds under DoPT guidelines and the RPwD Act, 2016

Madam /Sir,

I am directed to enclose a copy of documents related to the complaint dated **27.07.2026** of **Shri Surjeet Kumar**, a person with **55% Locomotor Disability**, on the above-mentioned subject, which is self-explanatory.

2. And whereas, a preliminary hearing was conducted, in Diary No: DNO/26/CCPD/6583, on 18.08.2026 wherein the following parties/representatives were present:

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5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364,
20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in
(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
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Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Surjeet Kumar	Complainant
2.	Adv. Mahaboob Basha	Complainant
3.	Shri Krishna Muthu Rajan M, Senior Divisional Personnel Officer, Salem	Respondent

2.1 And wherein the Complainant, Shri Surjeet Kumar, a person with 55% locomotor disability and working as a Technician-II in Southern Railway, appeared in person, and the Respondent was represented by the Senior Divisional Personnel Officer, Southern Railway. During the hearing, the Complainant reiterated that he had sought transfer from Salem Division, Southern Railway to Dhanbad Division, East Central Railway, primarily on account of his disability and his responsibility as the sole caretaker of his 75-year-old widowed mother, who is a heart patient and has undergone two heart surgeries. He submitted that his transfer application had been pending for several months despite the NOC issued by Dhanbad Division, which was valid up to September 2026, and alleged that no effective steps had been taken to process his transfer. The Complainant further submitted that his representations had specifically disclosed his disability and family circumstances and requested that his transfer be considered on disability and caregiving grounds. The Respondent submitted that the Complainant had initially applied for transfer on general grounds and that, following his promotion to Technician-II, his priority number had changed. It was further submitted that the NOC from Dhanbad Division had been received and that the application was under process before the competent authorities. The Respondent stated that the transfer involved a movement exceeding the prescribed threshold and would consequently require further approval at Headquarters level. It was also submitted that the Complainant had separately applied under the PwBD category and that the said application was being processed through a separate channel, for which NOC had not yet been received.

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2.2 And whereas, upon hearing the submissions of both parties, the Hon'ble Commissioner observed that the Respondent was admittedly aware of the Complainant's status as a person with disability and his entitlement to the protections and privileges available under the applicable legal framework. The Court observed that merely because the initial application had been processed under the general category, the Respondent could not disregard the Complainant's disability while considering his request, particularly when the Complainant had subsequently disclosed his disability and had sought consideration on PwBD grounds. The Court further observed that persons with disabilities are entitled to due consideration in matters concerning their choice of workplace and that the Respondent should not allow procedural requirements or avoidable delays to defeat such entitlement. The Respondent was accordingly directed to process the Complainant's application under the PwBD category on priority and take necessary action for his transfer to Dhanbad Division, subject to the applicable rules and approvals, within one month. The Respondent was further directed to submit an action taken/compliance report within the said period, clearly indicating the steps taken on the Complainant's PwBD transfer application, the status of the NOC and approvals, and the outcome of the transfer request. The Hon'ble Commissioner further directed that the matter should not be unnecessarily delayed on account of procedural or administrative reasons and that the Complainant's case be considered expeditiously in view of his disability and caregiving responsibilities.

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.

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(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**

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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).

Yours faithfully,

(VIKAS TRIVEDI)
Dy. Chief Commissioner

Copy to:

- 1) **Surjeet Kumar**
Village -lahladpur Po saidabad Ps - Ranitalab (kanpa)Dist.- patna (bihar)Pin code - 801104 Rly
quarter no - 558/BRailway colony erode tamilnadu,638002
PATNA, BIHAR, 801104
surjeetbikram12@gmail.com
9442153022

Enc. Copies:

- 1) Disability Certificate
- 2) Case Document - 1

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