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/16708/1024/26 **Dated:** 15/10/2026

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

Case No: CCPD/16708/1024/2026

To,

The Senior Divisional Personnel Officer,

Eastern Railway

Email: harsh.garg@gov.in, drmhwh@er.railnet.gov.in

Sub: Notice to file comments in the complaint dated 19-08-2026 of Shri Subrata Roy, a person with 82% Hearing Impairment regarding withholding of 100% family pension revision and non-release of pension arrears due to date of birth discrepancy

Madam /Sir,

I am directed to enclose a copy of documents related to complaint dated **19-08-2026** of **Shri Subrata Roy,** a person with **82% Hearing Impairment** on the above-mentioned subject, which is self-explanatory.

2. **And whereas, a preliminary was** conducted on 01.10.2026 in Diary No. DNO/26/CCPD/6776 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Somnath Mukherjee	Complainant

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2.	Shri Biswa Narayan Banerjee, Divl. Personnnel Officer-II/Eastern Railway, Howrah	Respondent

2.1 And whereas, during the proceedings, the Complainant's representative stated that the Complainant is a person with 82% hearing impairment and son of late Shri Kalipada Ranjan Roy, submitted that he had been receiving 50% of the family pension following his father's death on 25.10.1991, while the remaining 50% was being paid to his stepmother, who passed away on 15.04.2018. He sought release of the remaining 50% of the family pension, along with revision and arrears. The Respondent submitted that the Complainant's request for 100% family pension could be processed, subject to clarification of the discrepancy in his date of birth. It stated that the school-leaving certificate submitted at the time of sanction of pension recorded his date of birth as 14.08.1960, whereas subsequent documents, including Aadhaar and PAN, and a disability certificate issued in 2025, recorded it as 04.06.1953. The Respondent contended that alteration of the date of birth in the pension records required compliance with the applicable guidelines and supporting documentation, particularly in view of the financial implications of age-linked pension enhancements. The Complainant disputed the Respondent's submissions, stating that the date of birth was not recorded in the Pension Payment Order (PPO) and that the discrepancy should not impede his pensionary entitlements. He also highlighted the delay in resolving his representation submitted in 2022.

2.2 **And whereas,** The Court observed that the discrepancy in the date of birth required examination of the relevant records and supporting documents before the matter could be decided. The Respondent stated its willingness to release 100% family pension subject to clarification of the date of birth. Accordingly, the Court asked the Respondent to submit its written response, along with the relevant records, within **15 days**, and granted the Complainant a further **seven (7) days** to file a rejoinder, along with any supporting judgments and documents. Upon considering the submissions and the issues raised, the **Court decided to formally admit the Complaint for regular proceedings.**

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 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 **15 days** from the date of issue of this communication, failing which, the Complaint may be disposed of exparte. **While responding to this notice, due care**

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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 Section 20 of the Act and Department of Expenditure OM No. 21/1/2018-E.II (B) dated 15.09.2022 read with OM No. 21/1/2018-E.II (B) dated 29.07.2025.

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

Yours faithfully,

(VIKAS TRIVEDI)
Dy. Chief Commissioner

Copy to:

1) **SUBRATA ROY**
517, Rabindra Sarani P.S- Shyampukur
KOLKATA, WEST BENGAL, 700003
passion2020wb@gmail.com
7980840556

Enc. Copies:

1) Disability Certificate