Diary No. DNO/26/CCPD/6900 **Dated:** 22/10/2026

In the matter of—

Mr. Pichuka Nagendra Kumar

(Complainant)

Versus

The Secretary

Department of Defence Production

(Respondent No. 1)

&

The Director General

Directorate General of Quality Assurance (DGQA)

Department of Defence Production

(Respondent No. 2)

1. Background of the Case

1.1 The Complainant, who works in the Directorate General of Quality Assurance (DGQA), Department of Defence Production, stated that his younger daughter has 100% permanent benchmark disability due to profound intellectual disability, is completely dependent on the family for daily activities, supervision and rehabilitation, and has been receiving continuous specialised treatment and rehabilitation at Hyderabad for several years. He stated that he had earlier been transferred from Ichapur to Hyderabad in 2016 on medical grounds, owing to the specialised medical requirements of his daughter, and that Hyderabad has since become her established medical, rehabilitation and family-support base, so that relocation would seriously disturb her treatment and rehabilitation.

1.2 The Complainant stated that his request for retention at Hyderabad was empathetically considered by

the Placement Committee but could not be accommodated as no suitable Director/Joint Controller-level vacancy was available at Hyderabad, and that he was placed in a higher functional appointment at Ichapur against a vacancy of the Placement-2025 cycle. He submitted that Director-level vacancies were anticipated at Hyderabad in the Placement-2026 cycle, that the Respondents' own communication records the Director appointment earmarked for one discipline being held by an officer of another discipline, and that his request for reasonable accommodation as a caregiver is supported by the principles of the Rights of Persons with Disabilities Act, 2016 and the DoPT instructions on caregivers of persons with benchmark disabilities.

2. Notice of Admissibility

2.1 A notice dated 05.10.2026 under Sections 75 and 77 of the RPwD Act, 2016, was issued to the Respondents for a hearing on 09.10.2026 to determine the admissibility of the case and find out if this can be resolved without further quasi-judicial intervention of this Court.

3. Respondents' Submission

3.1 The Respondents, the Department of Defence Production and the Directorate General of Quality Assurance (DGQA), vide their written reply dated 06.10.2026, submitted that the Complainant was due for his first placement in a higher functional appointment of Director equivalent, that no such post is available at Hyderabad, and that the post is available only at Ichapur, West Bengal. They submitted that, with the approval of the Competent Authority, the Complainant was accordingly placed in the higher functional appointment at Ichapur against an existing vacancy by an order dated 11.06.2026 with directions to report immediately, but that he had not reported to the new establishment even after about three months.

3.2 The Respondents further submitted that the Complainant has been serving at Hyderabad since 2016 and was being exempted from routine rotational transfer on the ground of his child's disability; that, since no post of Director equivalent was available at his present station, and keeping in view that he had already served at Ichapur earlier, his placement at Ichapur was approved; and that his retention at this belated stage is not administratively feasible. The Respondents stated that the Complainant may request for a choice posting in future, which will be considered subject to the availability of vacancy.

4. Hearing

4.1 A preliminary hearing was conducted on 09.10.2026. The following parties/representatives were

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present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/Respondent	Mode of Attendance
1	Mr. Pichuka Nagendra Kumar	Complainant	Online
2	Mr. Vinod Kumar, Joint Director (Admin) & Shri S. K Kushwaha, Deputy Director (Admin), DGQA	Respondent No. 2	Online

5. Record of Proceedings

5.1 During the hearing, the Respondents reiterated that there is no vacancy at Director level at Hyderabad and that the only vacancy available is at Ichapur, which has good medical facilities and where the Complainant had earlier served for about three years. They submitted that the Complainant had been given extensions under the rotational transfer policy earlier, that he has now been considered for a higher placement carrying higher responsibility, and that if a vacancy arises in future and he applies, the request will be considered.

5.2 The Complainant stated that his daughter, aged about eleven and a half years, is bedridden, that he had been transferred to Hyderabad in 2016 as the neurological and rehabilitation facilities required for her were not available at Ichapur, and that the treatment, physiotherapy and rehabilitation ecosystem is available at Hyderabad. He stated that two Director-level vacancies were expected in the 2026 placement cycle, which was in process at the headquarters, and that one of them could accommodate him. He stated that he is willing to wait until a suitable vacancy arises at Hyderabad.

6. Observations & Recommendations

6.1 The Court notes that the Complainant has sought retention at Hyderabad on caregiving grounds, and reconsideration of his placement in the Placement-2026 cycle against a Director-level vacancy at Hyderabad. The Court observes that the Respondents have exempted the Complainant from routine rotational transfer for nearly ten years on account of his daughter's disability, that the present placement is a higher functional appointment and not a routine transfer, and that the Respondents have stated that no Director-level post is currently available at Hyderabad. The Court further observes that, while the DoPT instructions require due consideration of caregivers of persons with benchmark disabilities in matters of

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transfer and posting, a caregiver cannot claim an entitlement to a particular post or location along with a higher placement. The Complainant, therefore, has the choice either to take up the placement at Ichapur or to forgo the higher placement for the present and continue at Hyderabad until a suitable vacancy arises, and he has indicated his willingness to wait for a suitable vacancy at Hyderabad.

6.2 The Complainant is recommended to submit a written representation to the Respondents, stating that he does not wish to take up the higher placement at Ichapur along with the transfer, and requesting that he be considered for a suitable higher functional appointment at Hyderabad as and when a vacancy arises. The Respondents are recommended to consider the representation, to retain the Complainant at Hyderabad until a suitable vacancy arises there, and to reply to the Complainant assuring that, when such a vacancy arises, he will be considered for it with due regard to the caregiving needs of his daughter, so that the opportunity is not denied to him. The Complainant's representation and the Respondents' reply are recommended to be submitted to this Court within 15 days from the issuance of this Order.

6.3 The Respondents are further recommended to ensure that placements and transfers of employees who are caregivers of persons with disabilities are not effected merely citing administrative exigency, without due consideration of the rights, reasonable accommodation requirements and the principles of non-discrimination enshrined in the Rights of Persons with Disabilities Act, 2016.

6.4 In exercise of the functions of this Court under Section 75(1)(b) of the RPwD Act, 2016, the Respondents are recommended to take necessary action on the above recommendations and to inform this Court of the Action Taken Report (ATR) within 30 days from the date of receipt of this Order, as provided under Section 76 of the Act.

6.5 With the above recommendations, the case is disposed of.

Yours faithfully,

(S. Govindaraj)

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

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Commissioner

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