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Telangana Government Exempts Persons with Disabilities from Routine Transfers and Postings

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PUBLISHED 22 August 2025

Introduction

The Government of Telangana has issued G.O.Ms. No. 34 dated 07 August 2025, granting a significant relief to government employees with disabilities and caregivers of dependents with disabilities. The order exempts them from the routine exercise of transfers and postings, thereby operationalising a key safeguard under the Rights of Persons with Disabilities Act, 2016 (RPwD Act).

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Legal Background

The RPwD Act, 2016 (Central Act No. 49 of 2016) was enacted to give effect to India's obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which India ratified in 2007. The Act marks a shift from a charity-based approach to a rights-based framework, recognising equality of opportunity, non-discrimination, and reasonable accommodation as enforceable rights.

Specifically, Section 20(5) of the RPwD Act provides that:

"No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, he shall be shifted to some other post with the same pay scale and service benefits:
Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier."

While the provision itself focuses on job security, over the years courts and administrative authorities have interpreted it to include protection from arbitrary transfers that may undermine the rights of employees with disabilities. The Telangana Government order draws on this principle to institutionalise a policy-level exemption.

Key Features of the Government Order

The order, issued by the Department for Women, Children, Disabled and Senior Citizens, and notified in the Telangana Gazette (Extraordinary issue dated 11 August 2025), provides:

1. **Exemption for employees with disabilities**
   - Government employees with 70% and above disability are exempted from routine transfers and rotational postings.
   - They are allowed to continue at their existing posting, or at a place of their choice, subject to administrative constraints.
   - Their services must be used optimally in accordance with their abilities.
2. **Exemption for parents of children with disabilities**
   - Employees who have children with intellectual disability are exempted from transfers, allowing them to continue at the same station or at a place of their choice.
3. **Exemption for caregivers**
   - Employees who are caregivers of a dependent daughter, son, spouse, parents, brother or sister with 70% and above specific disability (other than intellectual disability) are also exempted from routine transfers.

The order was issued with the concurrence of the Finance (HRM.I) Department and is binding on all departments of the State Secretariat, district collectors, and heads of departments.

Significance of the Order

- **Administrative Certainty**: By codifying exemptions, the order eliminates the need for repeated representations by affected employees during transfer seasons.
- **Rights-Based Implementation**: It gives practical effect to the non-discrimination and reasonable accommodation principles under the RPwD Act.
- **Family-Centric Approach**: The inclusion of caregivers and parents of children with disabilities recognises the broader impact of disability on households.
- **Precedent for Other States**: Telangana joins the list of progressive states implementing tailored service protections for employees with disabilities, potentially serving as a model for others.

Judicial and Policy Context

Indian courts have repeatedly stressed that transfers should not be used in a manner that discriminates against employees with disabilities. For example, in Deaf Employees Welfare Association v. Union of India (2013), the Supreme Court highlighted the importance of equal treatment and reasonable accommodation in employment. Further, Office Memoranda issued by the Department of Personnel & Training (DoPT) at the central level also provide preferential posting policies for employees with disabilities.

The Telangana order aligns with these judicial and policy directions, but goes further by extending the exemption to caregivers, thereby recognising the concept of indirect discrimination where administrative practices could otherwise impose disproportionate burdens on families of persons with disabilities.

Conclusion

The Telangana Government's G.O.Ms. No. 34/2025 is an important milestone in service jurisprudence relating to persons with disabilities. By exempting them and their caregivers from routine transfers, the order strengthens workplace inclusivity, ensures stability for employees, and furthers the objectives of the RPwD Act, 2016.

It also signals a progressive administrative mindset shifting from viewing disability merely as an individual challenge to acknowledging the collective impact on families and the need for systemic support.

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