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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3970/2026 & CM APPLs. 19439/2026, 19440/2026, 19441/2026**

SISTLA VAMSI KRISHNA

.....Petitioner

Through: Mr. Nachiketa Vajpayee, Advocate.

versus

WAPCOS LIMITED

.....Respondent

Through: Mr. Tushar Sannu, SC with Mr. Mohit Bhardwaj and Mr. Pulak Gupta Joshi, Advocates with Mr. Rajat Jain, AR of WAPCOS.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.03.2026

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1. The Petitioner seeks to place the matter on a larger plane by urging that the writ petition raises an important question as to whether an instrumentality of the State can effect the transfer of a sole caregiver of a person with benchmark disability and high support needs, without disclosing any compelling administrative necessity, and in the process defeat the protection said to arise under the Rights of Persons with Disabilities Act, 2016.¹ Reliance is also placed on the Office Memorandum dated 2nd February, 2024 issued by the Department of Personnel and Training, which is stated to extend protection against routine transfers to caregivers of persons with benchmark disabilities.

¹ "RPwD Act"



2. On a closer examination, however, the controversy does not truly assume that character. At its core, the petition challenges an order of transfer dated 7th December, 2025, whereby the Petitioner, who was working as Additional Chief Liaison Officer at Hyderabad, has been transferred to the Headquarters at Patna. The principal objection is not to the competence of the employer to transfer him, but to the hardship that such transfer is said to occasion in view of the Petitioner's domestic circumstances.

3. The case put forward is that the Petitioner's father, aged about 73 years, is suffering from Ankylosing Spondylitis and has a locomotor disability stated to be 60%. It is urged that he is dependent on the Petitioner for his daily functioning, medical needs, and general care. The Petitioner also points to the medical condition of his spouse and the cardiac history of his mother to submit that the family is placed in a particularly vulnerable situation and that the Petitioner is effectively required to balance his service obligations with caregiving responsibilities at home.

4. This Court has no reason to doubt the genuineness of the hardship projected by the Petitioner. The record does suggest that the family is facing medical difficulties. That said, hardship alone does not furnish a ground for judicial interference with an order of transfer, unless the case is brought within some recognised legal limitation, such as mala fides, patent arbitrariness, violation of a statutory protection, or infraction of a binding policy.

5. It is in that context that the Petitioner invokes the RPwD Act. But the difficulty in the Petitioner's case is that the material placed before the Court is not sufficient to establish, on the present record, that the father's condition stands certified in a manner that clearly attracts the statutory framework in



the form in which it is pressed. The certificate relied upon appears to be an older certificate issued in the context of an orthopaedic disability for income tax purposes. *Prima facie*, it is not a certificate placed before the Court as one issued under the current statutory framework governing benchmark disability in the manner now urged by the Petitioner. In that view, the foundational requirement for invoking the Office Memorandum dated 2nd February, 2024, which itself applies to caregivers of persons with benchmark disabilities as ‘certified’ by the competent authority, is not clearly established on the present record. This Court would therefore be slow to found relief on that basis alone.

6. Even otherwise, the petition does not place before the Court sufficient material to establish, in a clear and compelling manner, that the Petitioner is the only person available to render care, or that the impugned transfer would necessarily result in a denial of statutory rights under the RPwD Act. The case, therefore, remains one of serious personal inconvenience and hardship, but not one in which a legal bar to transfer has been demonstrated.

7. It also cannot be overlooked that transfer is an incident of service.² The employer retains the authority to deploy its personnel in accordance with administrative requirements. Judicial review in such matters remains narrow. Unless the transfer order is shown to be vitiated by mala fides, to be contrary to a binding statutory or policy restriction, or to suffer from manifest arbitrariness, the Court would not ordinarily interfere. No such ground is made out here.

8. The submission that the Respondents have not disclosed any compelling exigency does not, in the facts of the present case, alter that



position. The law does not require the employer to justify every transfer before the Court as though it were defending an adverse quasi-judicial order. In the absence of any legal infirmity of the kind noted above, the Court cannot sit in appeal over the wisdom of the administrative decision.

9. The grievance raised by the Petitioner is, therefore, essentially one of hardship. The Court is sympathetic to that hardship. But sympathy alone cannot be cited to override the settled limits of judicial review in service matters.

10. On the material placed, no case is made out for interference with the impugned transfer order.

11. The writ petition is accordingly dismissed. Pending applications also stand disposed of.

SANJEEV NARULA, J

MARCH 27, 2026

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² *Varadha Rao v. State of Karnataka & Ors.*, (1986) 4 SCC 131