



2026:DHC:5553-DB



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

+ **W.P.(C) 9132/2026 and CM APPLs.42829-832/2026**

SHASHIKANT TIWARI

.....Petitioner

Through: Mr Colin Gonsalves, Senior Advocate, Mr Jeps Y Chisho and Mr Atul Chakma, Advocates

versus

**DEPARTMENT OF OFFICIAL LANGUAGE
AND ORS**

.....Respondent

Through: Mr. Devvrat Yadav, SPC and Mr. Kartik Sharma (G.P) for UOI
Ms Pallavi Talwar GP for R1 to 5

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER (ORAL)

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10.07.2026

C. HARI SHANKAR, J.

1. This writ petition assails an interim order passed by the Tribunal whereby the Tribunal has refused to stay the transfer of the petitioner, which we may note, is within the city of Delhi.

2. The only ground on which the petitioner sought a stay of the transfer was that he was being transferred from the DGHS to a posting under the Ministry of Earth Sciences, which would disentitle him to cashless medical facilities.

3. Mr. Gonsalves, learned Senior Counsel submits that, pursuant to the treatment which had been undertaken by the petitioner and his

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family during the COVID 19 pandemic, they all have suffered medical ailments, which was the reason why the petitioner had been transferred to the DGHS. He further submits that the transfer to the Ministry of Earth Sciences has taken place before the expiry of his tenure of five years.

4. We are not inclined to interfere with the impugned order of the Tribunal as it is purely discretionary. The Tribunal has taken a conscious view that a mere non-availability of cashless medical facilities at the place where the petitioner has been posted, especially keeping in mind that the transfer is within the city, does not constitute sufficient ground to stay the transfer.

5. We also note that the petitioner is a Group A employee. Mr. Gonsalves submits, however, that the availability of cashless medical facilities at the place of posting of the petitioner is a part of the reasonable accommodation to which the petitioner is entitled as a differently abled person.

6. The absence of cashless medical facilities at the place of posting may constitute a separate grievance; it cannot, however, be a ground to stay the transfer order.

7. In that view of the matter, we dispose of this writ petition without interfering with the impugned order, reserving liberty with the petitioner to seek appropriate relief in case the petitioner is aggrieved by the fact that no cashless medical facilities are available at the place to which the petitioner has been posted.



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8. The writ petition is disposed of, accordingly.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

JULY 10, 2026/yg

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