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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-33471-2025
DECIDED ON: 17.11.2025

JAIDEEP

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohit Rathee, Advocate
for the petitioner(s)

Mr. Deepak Balyan, Addl. AG. Haryana

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned transfer order dated 09.09.2025 (Annexure P-6).
2. The petitioner, a Government employee with 85% locomotor disability, has been serving in District Jhajjar, where his wife an 80% permanently disabled Government employee is also posted. Both spouses rely on each other and on the assistance of the petitioner's aged parents for daily mobility, care, household management, and support of their four-year-old child. The petitioner's wife additionally requires regular medical follow-up at Rohtak after a surgery in 2024.
3. The petitioner was transferred from Jhajjar to Faridabad vide order dated 09.09.2025, causing severe hardship due to the family's medical and

disability-related dependencies. Although a vacant post exists in Jhajjar, the petitioner's representation seeking cancellation of the transfer was not considered favourably.

4. Aggrieved by the same, the petitioner placing reliance on the Online Transfer Policy of 13.02.2020, which accords preferential posting to employees with 80% or more locomotor disability, he seeks quashing of the transfer and retention at Jhajjar.

5. Learned counsel for the petitioner submits that the impugned transfer order is arbitrary, harsh and violative of the petitioner's fundamental and statutory protections as a person with benchmark disability. It is argued that both the petitioner and his spouse suffer from more than 80% permanent disability and are dependent on the support of aged parents for daily functioning, care of their minor child, and mobility. The transfer to Faridabad effectively dismantles this essential support system, thereby infringing Articles 14, 16 and 21 of the Constitution, which guarantee equality, non-discrimination and dignity.

6. Counsel further submits that the Online Transfer Policy dated 13.02.2020 expressly grants preferential posting to employees with 80% or more locomotor disability, and the respondents have failed to honour this mandate or exercise the relaxation powers available under Rule 12 despite compelling humanitarian circumstances. The petitioner's earlier transfer was cancelled in March 2025 on the very ground of his disability, demonstrating that the department itself recognised his special needs, and no change in circumstances now justifies a contrary approach.

7. It is also argued that the transfer violates Sections 3 and 20 of the Rights of Persons with Disabilities Act, 2016, which obligate the State to ensure reasonable accommodation and prohibit discrimination in employment. The

hardship is compounded by the wife's medical condition requiring regular follow-up treatment at Rohtak.

8. Learned State counsel has the instructions to submit the copy of the order dated 14.11.2025 to show that while considering the provisions of Model Online Transfer Policy 2025 regarding disability of employee and being couple case, it would be appropriate that the order dated 09.09.2025, in respect of the petitioner for shifting him to the office of District Food and Supplies Controller, Faridabad is withdrawn and the official is posted against vacant post of Inspector Food and Supplies in the said office at Jhajjar.

9. However, the said order is subject to approval from the Chief Minister being the Competent Authority.

10. The learned State Counsel further submits that the formality of obtaining approval from the Competent Authority, i.e., the Chief Minister of the State, will be completed in due course, as it is merely a procedural requirement, and will in no way stand in the way of the said order.

11. In the light of above, learned counsel for the petitioner does not press the instant petition, which has been rendered infructuous.

12. Accordingly, the same is disposed off, having been rendered infructuous.

(SANDEEP MOUDGIL)
JUDGE

17.11.2025
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No