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

+ **W.P.(C) 2430/2025**

SHISHIR KUMAR

.....Petitioner

Through: Mr. Gautam Narayan, Senior Advocate with Ms. Asmita, Mr. Rohit Bhagat, Mr. Prateek Dhanda, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC with Ms. Archana Surve, GP & Mr. Subham Kumar Mishra, Advocate for UOI.
Mr. Vineet Tayal & Ms. Nishtha Wadhwa, Advocates for R-2/NFC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.02.2025

CM APPL. 11546/2025 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 2430/2025 & CM APPL. 11545/2025 (*for stay*)

1. By way of this petition under Article 226 of the Constitution, the petitioner assails an order of the respondent No. 2- National Fertilizers Limited ["NFL"] dated 17.02.2025, by which he has been transferred from the position of Area Manager (Marketing) and District Incharge,



Rohtak, and directed to report to the Zonal Office, Bhopal, for further posting.

2. The petitioner submits that he is a caregiver to a six-year-old daughter who suffers from developmental delays and is diagnosed with Autism-Spectrum Disorder, for which she is being treated in New Delhi. It is stated in the writ petition that although the petitioner was posted in Rohtak, he visited Delhi every weekend to discharge his domestic responsibilities. As per the petitioner's submission, his transfer will prove to be an impediment in this. The petitioner relies upon Office Memorandums issued by the Department of Personnel and Training dated 08.10.20218 and 02.02.2024, which specifically deal with the question of routine exercise of transfer or rotational transfer to caregivers of Persons With Disabilities under the Rights of Persons with Disabilities Act, 2016.

3. The petitioner has made a representation dated 19.02.2025 to the respondent, which remains pending.

4. Mr. Vineet Tayal, learned counsel for NFL, who appears on advance notice, submits that the representation will be decided within a period of ten days from today, and an attempt will be made to resolve the matter mutually.

5. In the event the parties are unable to do so, a reasoned order disposing of the representation, will be communicated to the petitioner within the said period.

6. If the representation does not find favour with the respondent, it is directed to defer the petitioner's joining time until ten days after communication of the said order. Until the period aforesaid has lapsed, the petitioner will continue to report at the Area Office, Rohtak, where he



is currently posted, without prejudice to the rights and contentions of the parties.

7. It is made clear that all rights and contentions of the parties remain reserved. Mr. Tayal has raised a preliminary objection to the filing of the writ petition in this regard, *inter alia*, on grounds of *forum non-conveniens*, which may also be agitated subsequently, if necessary.

8. The writ petition stands disposed of with these observations.

PRATEEK JALAN, J

FEBRUARY 25, 2025

'pv/JM'/