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

+ W.P.(C) 733/2025 & CM APPLs. 3630-32/2025

SHAKUNTALA DEVI

.....Petitioner

Through: Mr. Saurav Agrawal, Mr. Ashish
Tiwari, Mr. Sahib Patel,
Advocates.

versus

CENTRAL BANK OF INDIA & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.01.2025

1. The petitioner has filed this writ petition seeking a direction upon the respondents to implement a recommendation dated 28.12.2022 of the Chief Commissioner for Persons with Disabilities. She also seeks implementation of Office Memorandums issued by the Department of Personnel and Training ["DoPT"] dated 08.10.2018, and Ministry of Finance dated 29.03.2023, providing for exemptions from routine exercise of a transfer/rotational transfer for government employees who serve as the main care-giver of Persons with Benchmark Disabilities.
2. The petitioner is approximately 78 years of age and suffers from locomotor disability to the extent of 47%, as indicated in a disability certificate dated 21.07.2022. Her son, Mr. Devendra Kumar Sharma, is an employee of respondent No. 1 – Central Bank of India ["the Bank"].
3. Asserting rights under the Rights of Persons with Disabilities Act,



2016, the petitioner herein moved the Chief Commissioner against orders dated 13.04.2022 and 21.04.2022, by which the petitioner's son was transferred from the Keshav Puram Branch to the Bank's regional office at Gorakhpur. The Chief Commissioner, by an order dated 28.12.2022, recommended cancellation of the transfer order and directed filing of a compliance report.

4. Against this order, the Bank filed W.P.(C) 4163/2023 before this Court. Both the petitioner herein and her son were arrayed as respondents in the said writ petition. Interim orders were declined, against which the petitioner carried the matter to the Supreme Court, unsuccessfully.

5. The writ petition was ultimately disposed of by a judgment dated 03.11.2023. The Court considered the aforesaid Office Memorandums dated 08.10.2018 and 29.03.2023, and held that the same were applicable to the facts of the present case, but directed the Bank to decide as to whether or not to accept the recommendation of the Chief Commissioner. The order of the Chief Commissioner was, therefore, modified to the extent that the Bank was required to consider as to whether the transfer was a routine transfer or in accordance with the other guidelines issued by the Government, or if there was any administrative exigency justifying the transfer. The Bank was directed to give reasons if it came to the view that the recommendations of the Chief Commissioner could not be accepted.

6. By a communication dated 29.11.2023, the Bank has declined to implement the order of the Chief Commissioner.

7. Mr. Devendra Kumar Sharma has already challenged the said order in W.P.(C) 1322/2024, which remains pending. By order dated



30.01.2024, the Court has also directed that no coercive action should be taken against him.

8. The petitioner, i.e., the mother, now seeks implementation of the same recommendation which has already been modified by this Court in a writ petition to which she was a party. An order has been passed by the Bank pursuant to the judgment of this Court, and the son's writ petition remains pending. In these circumstances, I am of the view that the filing of a separate writ petition by the mother is unnecessary, and only contributes to multiplicity of litigation.

9. The writ petition, alongwith pending applications, is therefore disposed of, with liberty to the petitioner to take steps for intervention/impleadment in the writ petition filed by her son. The rights and contentions of the parties in this regard are reserved.

PRATEEK JALAN, J

JANUARY 21, 2025

"Bhupi/JM"/