



2026:DHC:7598-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010402292026
+ **W.P.(C) 12454/2026, CAV 411/2026, CM APPLs. 57835/2026
& 57836/2026**

**DEFENCE RESEARCH AND DEVELOPMENT
ORGANISATION DRDO & ANR.**Petitioners
Through: Ms. Saumya Tandon, CGSC
and Ms. Akanksha Suman, GP

versus

DR DEEPTI BHARDWAJRespondent
Through: Mr. Manoj Goel, Sr. Adv. with
Ms. Sunieta Ojha, Mr. Pragti Bhatia, Ms.
Vasudha Priyansha, Mr. Sarthak Asthana
and Ms. Priyanshu Agarwal, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)
% **03.09.2026**

C. HARI SHANKAR, J.

1. This writ petition assails the judgment dated 29 June 2026 whereby the challenge, by the respondent, to her transfer from Delhi to Dehardun, has succeeded.

2. Aggrieved by the said decision, the Defence Research



Development Organisation¹ has instituted the present writ petition before us.

3. We have heard Ms. Saumya Tandon, learned CGSC for the petitioners and Mr. Manoj Goel, learned Senior Counsel for the respondent, at length.

4. The respondent is admittedly the parent of a child who suffers from benchmark disability within the meaning of Section 2(d) of the Rights of Persons with Disabilities Act, 2016². The respondent's child was examined twice, firstly by the VIMHANS and, thereafter, by the All India Institute of Medical Sciences³. VIMHANS certified that the respondent's child was suffering from "Autism Spectrum Disorder (High Functioning)"⁴, whereas AIIMS issued a Disability Certificate stating that the respondent's child was suffering from "Specific Learning Disorder in writing only (SLD)"⁵. It was also certified that the extent of disability of the respondent's child was greater than 40%.

5. The Tribunal has held, and it is not disputed by petitioners before us, that ASD as well as SLD are both benchmark disabilities under the RPWD Act.

6. On the ground that her child was suffering from benchmark

¹ "DRDO" hereinafter

² "RPWD Act" hereinafter

³ "AIIMS" hereinafter

⁴ "ASD" hereinafter

⁵ "SLD" hereinafter



disability, the respondent assailed the decision dated 27 March 2026, to transfer her from Delhi to Dehradun before the Tribunal by way of OA 2026/2026.

7. By judgment dated 29 June 2026, the Tribunal has allowed the OA, against which, as we have noted, the DRDO has instituted the present writ petition. The Tribunal has relied on Office Memorandum⁶ dated 8 October 2018 and 2 February 2024 issued by the Department of Personnel and Training⁷, from which the Tribunal has extracted the relevant paragraphs, and we deem it appropriate to do likewise:

DOPT OM dated 8 October 2018

“F. No. 420112//2014-Estt.(Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 8 October, 2018

OFFICE MEMORANDUM

**Subject: Exemption from the routine exercise of transfer/
rotational transfer.**

Considering that transfer of a Government employee who serves as the main care giver of persons with disability would have a bearing on the systematic rehabilitation of persons with disabilities, the Government issued OM of even number dated June 6, 2014 to exempt such employee from routine exercise of transfer/rotational transfer subject to administrative constraints.

2. The scope of disability initially had covered (i) blindness or low vision (ii) hearing impairment (iii) locomotor disability or cerebral Palsy(iv) leprosy cured (v) mental retardation (vi) mental

⁶ “OM”, hereinafter

⁷ “DOPT”, hereinafter



illness and (vii) multiple disabilities, which subsequently, vide OM's of even number dated November 17, 2014 and January 5, 2016, was further extended to include 'Autism', 'Thalassemia' and 'Haemophilia'.

3. With the enactment of the Rights of Persons with Disabilities Act, 2016 on April 17, 2017, the following instructions are issued in supersession of the above-mentioned OM's of even number dated June 6, 2014, November 17, 2014 and January 5, 2016 with regard to the eligibility for seeking exemption from routine exercise of transfer/rotational transfer:

(i) A Government employee who is a care-giver of dependent daughter/son/parents/spouse/brother/sister with Specific Disability, as certified by the certifying authority as a Person with Benchmark Disability as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 may be exempted from the routine exercise of transfer/rotational transfer subject to the administrative constraints.

(ii) The term "Specified Disability" as defined in the Schedule to the Rights of Persons with Disabilities Act, 2016, covers (i) Locomotor disability including leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy and Acid attack victims (ii) Blindness (iii) Low-vision (iv) Deaf (v) Hard of hearing (vi) Speech and language disabilities (vii) Intellectual disability including specific learning disabilities and autism spectrum disorder (viii) Mental illness (ix) Disability caused due to: (a) Neurological conditions such as Multiple sclerosis and Parkinson's disease (b) Blood disorder Haemophilia, Thalassemia and Sickle cell disease and (x) Multiple disabilities (more than one of the above specified disabilities) including deaf blindness and any other category of disabilities as may be notified by the Central Government.

(iii) The term 'Specified Disability' as defined herein is applicable as grounds only for the purpose of seeking exemption from routine transfer/ rotational transfer by a Government employee, who is a care-giver of dependent daughter/son/parents/spouse/brother/sister as stated in Para 3(i) above."

DOPT OM dated 2 February 2024



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“36035/44/2023-Estt.(Res-II)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 2nd April, 2024

OFFICE MEMORANDUM

Subject: Guidelines for providing certain facilities in respect of persons with disabilities who are already employed in Government for efficient performance of their duties.

I. Exemption from routine exercise of transfer/ rotational transfer in respect of Government employee, who is a caregiver of Person with Disability dependents:

(i) A Government employee who is a care-giver of dependent daughter/son/parents/spouse/brother/sister with Specific ci Disability, as certified by the certifying authority as a Person with Benchmark Disability as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 may be exempted from the routine exercise of transfer/rotational transfer subject to the administrative constraints.

(ii) The term 'Specified Disability as defined in the Schedule to the Rights of Persons with Disabilities Act, 2016, covers (i) Locomotor disability including leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy and Acid attack victims (ii) Blindness (iii) Low vision (iv) Deaf (v) Hard of hearing (vi) Speech and language disabilities (vii) Intellectual disability including specific learning disabilities and autism spectrum disorder (viii) Mental illness (ix) Disability caused due to: (a) Neurological conditions such as Multiple sclerosis and Parkinson's disease (h) Blood disorder Haemophilia, Thalassemia and Sickle cell-disease and (x) Multiple disabilities (more than one of the above specified disabilities) including deaf blindness and any other category of disabilities as may be notified by the Central Government.

(iii) The term 'Specified Disability as defined herein is



applicable as grounds only for the purpose of seeking exemption from routine transfer/ rotational transfer by a Government employee, who is a caregiver of dependent daughter/son/parents/ spouse/brother/sister as stated in Para I (i) above.”

8. The Tribunal has held that, as the respondent’s child has benchmark disability in excess of 40%, the respondent would not be transferred outside Delhi for the period during which the disability certificate would subsist. The exact reasoning of the Tribunal is contained in the following paragraphs:

“6. The learned counsel for the applicant has made a strong case in showing that the applicant's son is suffering from a specified disability which was initially diagnosed as Autism Spectrum Disorder by the VIMHANS which is included as one of the disabilities in the DOPT OM dated 08.10.2018 and later on, it was diagnosed as the child is suffering from a Specific Learning Disability by AIIMS which is also covered by the DOPT OM dated 08.10.2018. Therefore, it is immaterial whether the child is suffering from Autism Spectrum Disorder or Specific Learning Disability and in any case the disability certificate has been issued by the competent authority/AIMS to the effect that such a suffering is greater than 40% and such a certificate is temporary and valid till 24.10.2028.

7. In view of the above, if after the review of the disability being suffered by the son of the applicant on or after 24.10.2028, results in such disability being removed or being brought less than 40% then the respondents may review her case. However, on the basis of the disability certificate in existence and the DOPT OMs dated 08.10.2018 and 02.02.2024, the relevant paragraphs of which have been quoted above in para 2, I have no hesitation in staying the impugned transfer order dated 27.03.2026. Accordingly, the impugned order dated 27.03.2026 is stayed till 24.10.2028 and the respondents are directed to adjust the applicant in one of laboratories at Delhi. It is clarified that this order of the Tribunal shall be valid only till 24.10.2028 and thereafter, on the basis of the new disability certificate to be issued by the competent authority, the respondents may take a fresh decision on the posting of the applicant.



9. Ms. Tandon, assailing the impugned judgment, has advanced the following contentions:

(i) The transfer in question was not a routine or rotational transfer, to which the aforesaid OMs apply, but was a transfer on promotion.

(ii) The respondent was promoted as CAO⁸ on 25 July 2024. At that time, she sought retention at Delhi on sympathetic considerations, citing the condition of her son. The petitioners extended sympathy to the respondent and allowed her to remain in Delhi for a period of one year. That period expired on 13 November 2025. The respondent cannot, therefore, now seek further continuation in Delhi, especially as the decision to grant her amnesty for a period of one year was not assailed by the respondent.

(iii) Even if it were to be assumed that the DOPT OMs, on which the Tribunal has placed reliance, were applicable, they themselves clarify that the immunity against the transfer available under the said OMs was subject to organizational constraints. The petitioners had, in its counter affidavit before the Tribunal, specifically pleaded organizational constraints as a reason for not permitting the respondent to continue further in Delhi. Ms. Tandon has, in this context, drawn our attention to paras 12 and 13 of the surrejoinder filed by the petitioners

⁸ Chief Administrative Officer



before the Tribunal, which read thus:

“12. That it is respectfully submitted that the applicant is holding the post of Chief Admin Officer which is 2nd highest post in the hierarchy of Admin Cadre of DRDO after Joint Director (Admin), which is the highest post of Admin Cadre. The DRDO is managing with 03 incumbents against authorisation of 08 posts of Joint Director (Admin). Further, DRDO is having only 06 Labs in Delhi which are being suitably tenanted by officers by Admin Cadre. There is no Lab of DRDO in NCR region of Delhi. Further, retention of applicant, who is holding such a senior level post of Chief Admin Officer, in Delhi would lead to redundancy as her services could be gainfully and optimally utilised at IRDE, Dehradun, which is the nearest station as compared to other Chief Admin Officers who have been posted to Bangalore, Hyderabad and Chandigarh.

13. That the applicant joined services in DRDO as SAO-II and was posted to TBRL, Chandigarh where she worked from 01.01.2015 to 01.06.2018 (approximately 3.5 years). Thereafter, the applicant was posted to Delhi from 04.06.2018 and is continuing in Delhi till date (approximately 08 years). She has been posted to IRDE, Dehradun in public interest considering the administrative requirements of the Lab and she has been well aware of the fact that her retention in SSPL, Delhi on the post of Chief Admin Officer was upto 13.11.2025.”

(iv) The respondent had herself at one point of time sought permission to join duties outside India. If she was agreeable to travel outside India, she could not very well oppose a transfer to Dehradun citing the condition of her child.

10. Having considered Ms Tandon’s submissions, we are not inclined to differ with the findings of the Tribunal.

11. We are not able to accept the submission of Ms. Tandon that the



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transfer in question was not a routine or rotational transfer but was a transfer consequential on promotion, as the transfer order itself makes it clear that it is a plain routine transfer. We may for this purpose reproduce the transfer order in its entirety thus:

“DOP/AA1/68001/P&T/Admin/X
To,

27 Mar 2026

The Director DIRL Chandrayangutta Lines, Hyderabad - 500 005 Bharat	The Director CFEES, Timarpur, Deliti – 110 054 Bharat	The Director DFMM DRDO HQs New Delhi - 110 011 Bharat
The Director TBRL Sector-30 Chandigath - 160 036 Bharat	The Chief Executive CEMILAC Marathahalli Colony Bengaluru – 560 037 Bharat	The Director IRDE Raipur Road Dehradun - 248 008 Bharat
The Director SSPL Timarpur Delhi- 110 054 Bharat	The Director CEPTAM Metcalf House Delhi - 110 054 Bharat	The Director GTRE PB No.9302, CV Raman Nagar Bengaluru - 560 093 Bharat

POSTING / TRANSFER IN PUBLIC INTERESET:
JOINT DIRECTOR (ADMIN) AND CHIEF ADMIN
OFFICER

The decision of the competent authority is hereby conveyed in respect of the under mentioned officers for their posting/transfer in public interest: -

<u>SL. No.</u>	<u>Name & Designation (Shri/Smt/Km)</u>	<u>PIN</u>	<u>From</u>	<u>To</u>
1.	AP Ghosh, JD (Admin)	2003DF1001	DLRL, Hyderabad	CFEES, Delhi
2.	DS Negi, CAO	2008EF1002	DFMM, DRDO HQ	TBRL, Chandigarh



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3.	Arun Kumar Yadav, CAO	2015DG1002	CEMILAC, Bengaluru	DLRL, Hyderabad
4.	Chander Prakash, CAO	2017DG1001	CFEES, Delhi	CEMILAC, Hyderabad
5.	Dr. Deepti Bharadwaj CAO	2015DG1007	SSPL, Delhi	IRDE, Dehradun
6.	Saurabh Negi, CAO	2003EE1001	CEPTAM, Delhi	GTRE, Bengaluru

2. The above-named officers may be relieved to assume charge at their respective place of postings by 15th April 2026, failing which unilateral relieving orders will issued by this HQrs. Relieving and joining report be forwarded to this HQ (all concerned).

3. The officers will be entitled for TA/DA, joining time etc. as per extant rules as the transfers/postings are in public interest.

(Raman Kumar Singh)
Joint Director (Pers-AA1)
For Director of Personnel
DRDO HQrs”

12. The promotion of the respondent as CAO took place in 2024, more than two years prior to the passing of the afore-extracted transfer order on 27 March 2026. The transfer order dated 27 March 2026 was not, therefore, a transfer consequent on promotion. Consequent on promotion, the respondent had been transferred to outside Delhi in 2024 and, on her request, had been permitted to remain in Delhi for a period of one year. As such, the submission that the transfer dated 27 March 2026 was a transfer consequent on promotion and that, therefore, the OMs of the DOPT would not apply, cannot be accepted.

13. We are also not impressed with the submission that the respondent having been allowed to remain in Delhi for a period of one year, and having not challenged that decision, cannot seek any further



right to remain in Delhi. The DOPT OMs, on which the Tribunal has placed reliance, immunised a care giver of a dependent child, suffering from a benchmark disability, from routine or rotational transfer. That immunity would, therefore, as the Tribunal has rightly held, continue for the period during which the disability certificate remains in force. The Tribunal has, very fairly, granted relief to the respondent only till the time when the disability certificate remains alive and has allowed the petitioners to consider transferring the respondent after the life of the disability certificate subject, of course, to any further certificate issued in that regard.

14. In so far as the applicability of the DOPT OMs is concerned, they are clear and categorical. Ms. Tandon has pointed out that the immunity from transfer under the said OMs is subject to organisational constraints. However, the onus to establish organisational constraints would be on the petitioners. The order of transfer by itself does not cite any organisational constraints. We are, therefore, in agreement with Mr. Goel's reliance on the judgments of the Supreme Court in *Commissioner of Police, Bombay v. Gordhandas Bhanji*⁹ and *Mohinder Singh Gill v. The Chief Election Commissioner, New Delhi*¹⁰, which hold that an order has to stand or fall based on the reasons contained therein and cannot be improved by way of averments on affidavit in Court. Accepting the submissions of Ms. Tandon would require us to act contrary to the declaration of the law in that regard as contained in these decisions. The transfer order

⁹ 1951 SCC 1088

¹⁰ (1978) 1 SCC 405



does not purport to have been issued for organisational constraints. It merely states that it was in public interest. We cannot, therefore, accept the averments in the affidavit filed by the petitioners – which, we may note, was not even in counter but by way of a surrejoinder before the Tribunal as seeking to embellish the order of transfer or improve its contents.

15. Be that as it may, we have also seen paras 12 and 13 of the surrejoinder affidavit filed by the petitioners before the Tribunal. There is no averment, in the said paras, to the effect that no vacancy of CAO in any of the labs of the petitioners was available in Delhi in which the respondent could be accommodated.

16. As such, we do not even find a case of organisational constraints to be made out on the basis of the averments contained in the surrejoinder affidavit filed by the petitioners before the Tribunal.

17. We have to be mindful, in a case such as this, that we are dealing with the applicability of the RPWD Act. The Supreme Court has repeatedly emphasized in **Vikash Kumar v. Union Public Service Commission**¹¹ that the principle of reasonable accommodation which, permeates the RPWD Act and has exhorted on courts to ensure that, while they apply the principles and the provisions of the RPWD Act, the goal of reasonable accommodation is always borne in mind. The immunity from transfer available to parents of a dependent child suffering from benchmark disability, as provided in the aforementioned



DOPT OMs is clearly a step-in aid of reasonable accommodation as envisaged by Section 2(y) of the RPWD Act. It has, therefore, to be interpreted expansively and given full scope and effect. Any restrictive interpretation by us would be doing violence not only to the provisions of the RPWD Act but also to the philosophy underling the judgments of the Supreme Court in **Vikash Kumar**, as well as **Rajiv Raturi v. Union of India**¹² and **Recruitment of Visually Impaired in Judicial Services**¹³.

18. The final submission of Ms. Tandon is that the respondent had applied for enlistment in the offices of the ICCR¹⁴ abroad.

19. Mr. Goel submits that, in the countries abroad where these centres are available, there are extensive facilities where the child of the respondent could have been taken care of.

20. Be that as it may, we are of the opinion that this consideration cannot militate against the respondent's right to the benefit of the DOPT OMs (*supra*).

21. We, therefore, do not find this to be a case in which we should exercise our extraordinary *certiorari* jurisdiction, vested in us by Article 226 of the Constitution of India, and interfere with the judgment of the Tribunal.

¹¹ (2021) 5 SCC 370

¹² (2024) 16 SCC 654

¹³ Re: 2025 SCC OnLine SC 481

¹⁴ Indian Council for Cultural Relations



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22. We, therefore, decline to entertain this writ petition which is accordingly dismissed in *limine*.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 3, 2026/ddd