



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 18831/2026
CNR: RJHC020899482026 | URN: CW / 39122U / 2026

Rahul Agrawal S/o. Mr. Subhash Chand Agrawal, Aged About 37 Years, R/o. Shiv Cement Agency, Bus Stand Road, Behror (Raj.) 301701 Presently Working As Manager (Scale-II), UCO Bank Baneti, Kotputli, Distt. Kotputli-Behror.



-----Petitioner

Versus

1. UCO Bank, Head Office At Btm Sarani, Kolkata - 700001 Through Its Managing Director And Chief Executive Officer.
2. Chief General Manager (HRM), UCO Bank, Head Office At BTM Sarani, Kolkata - 700001.
3. Deputy General Manager, Zonal Head UCO Bank, Jaipur Zonal Office, Jaipur (Raj.)
4. Deputy General Manager, Zonal Head UCO Bank, Ahmedabad Zonal Office, Ahmedabad, Gujrat.

-----Respondents

For Petitioner(s)	: Mr. Jhabar Swami with Mr. Hitesh Kumar and Mr. Ajay Swami
For Respondent(s)	: Ms. Anita Aggarwal with Mr. Laxmikant, Mr. Vibhanshu Sharma and Ms. Kalpana

JUSTICE ANOOP KUMAR DHAND

Order

05/10/2026

Reportable

1. The instant writ petition has been preferred against the impugned order 08.09.2026, passed by the respondent-Bank, by which the petitioner's representation for cancellation of the transfer order dated 16.05.2026 has been rejected. Feeling aggrieved by the impugned transfer order dated 16.05.2026, as



well as order of rejection of the petitioner's representation dated 08.09.2026, the petitioner has approached this Court by way of filing the instant writ petition.

2. Learned counsel for the petitioner submits that the younger brother of the petitioner is suffering from 'Thalassemia' with 75% permanent disability. Counsel further submits that his brother is dependent upon the petitioner and he is the only caregiver of his brother. He also submits that as per Clause 7 of the Equal Opportunity Policy, formulated by the respondent-Bank for FY 2024-2027, an employee who is a caregiver of any dependent daughter, son, parent, spouse, brother and sister with specified disability of not less than 40% should be exempted from the routine exercise of transfer/rotational transfer.

3. Learned counsel also submits that overlooking the aforesaid fact that the petitioner is the only caregiver of his younger brother, who is suffering from 'Thalassemia' and permanent disability of 75%, which is also established on record, the respondent-Bank has passed the order impugned. Hence, interference of this Court is warranted.

4. In support of his contentions counsel for the petitioner has placed reliance on the following judgments:-

I. The **Hon'ble High Court of Judicature at Allahabad** in the matter of **Neeraj Chaturvedi V/s. Central Bank of India & Ors.** in **Writ Appeal No. 3793 of 2022** decided on 09.06.2022.

II. The **Hon'ble High Court of Delhi** in the matter of **Shambhu Nath Rai V/s. Union of India & Ors** in **Writ Petition (Civil) No. 7318 of 2025** decided on 18.11.2025.



III. The Division Bench of the **Hon'ble High Court of Judicature at Allahabad** in the matter of **State Bank of India Thru. Chief General Manager And Another V/s Sri Rajeev Shukla** in **Special Appeal No. 155 of 2025** decided on 20.05.2025.



5. Per contra, learned counsel for the respondent-Bank opposed the arguments raised by the counsel for the petitioner and submitted that as per the Transfer Policy for Officers, formulated by the respondent-Bank, the incumbent is required to be transferred after promotion. In the instant case, the petitioner was promoted from Scale-I to Scale-II vide order dated 01.04.2026 and thereafter, he has been transferred from Baneti Branch (0629), Jaipur Zone to Bhadwa Branch (1644), Ahmedabad Zone. Counsel submits that the petitioner had remained posted at Baneti Branch, Jaipur Zone and nearby places from January, 2018 and had already overstayed at Jaipur Zone for a period of 8 years.

6. Counsel further submits that there is no malice or malafides on the part of the respondent-Bank in passing the order impugned as number of officers have been transferred on account of the administrative exigencies. Counsel also submits that the representation of the petitioner has been rightly rejected by the respondent-Bank. Hence, interference of this Court is not warranted and the instant writ petition is liable to be rejected.

7. Heard and considered the submissions made at the Bar and perused the material available on the record.

8. In the present case, the following facts are admitted and undisputed:-



- (i) The brother of the petitioner is suffering from Thalassemia with 75% permanent disability;
- (ii) He is wholly dependent upon the petitioner;
- (iii) This dependency is recorded in the service record of the respondent-Bank;
- (iv) The respondent-Bank has framed a Special Policy i.e. Equal Opportunity Policy for FY 2024-27 containing Clause 7(v) & (vi) for persons with disabilities and their care-givers.



9. The petitioner, a serving officer of the respondent-Bank, has invoked the extra-ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking quashing of the impugned Transfer Order bearing No. ZO - 7008/TRF/49124/2026-27 dated 16.05.2026, whereby he has been transferred from Baneti Branch, Jaipur to Bhadwa Branch, Ahmedabad, which is situated at a distance of about 1000 KMs from his present place of posting.

10. The petitioner is also seeking issuance of a direction to the respondent-Bank to consider his case in the light of the Equal Opportunity Policy for FY 2024-27 framed by the respondent-Bank itself for Persons with Disabilities and their care-givers.

11. Shorn of unnecessary details, the facts relevant for adjudication of the instant writ petition are that the real younger brother of the petitioner, namely Shri Ashish Kumar Agrawal, is suffering from Thalassemia, a life-threatening blood disorder, with 75% permanent physical disability, as certified by the Department of Medical & Health, Government of Rajasthan vide Disability Certificate No.SAP/2017/285855 dated 19.04.2022.

12. It is the case of the petitioner that his younger brother is wholly and solely dependent upon the petitioner for his day-to-day



survival, including blood transfusion at regular intervals, medication, personal care & financial support and there is no other person in his family to look after him. The factum of dependency has been duly declared by the petitioner and very much recorded in his service record/HR - records maintained by the respondent-Bank and the same has also not been disputed by the respondent-Bank in its reply.



13. The respondent-Bank, in compliance of the mandate of Section 21 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as 'the Act of 2016') and in consonance with the principles of Articles 14, 16 and 21 of the Constitution of India, has formulated and notified the Equal Opportunity Policy for FY 2024-27 (hereinafter referred to as 'the Special Policy').

14. Clause 7 of the Special Policy deals with the 'Provisions/guidelines relating to the transfer/posting of PwD/divyang employees and those who are caregivers of PwD/divyang persons'. For ready reference, Clause 7(V) and 7(VI) are reproduced as under:-

"7(v) - A PwD should not be posted to a place that is far way from her or his residence, resulting in, amongst other things, difficulties in commuting between residence and workplace.

7(vi) - An employee who is a care-giver of dependent daughter/son/parents/spouse/brother/sister with Specified Disability, as certified by the certifying authority as a PwBD as defined under Section 3(r) of the Rights of Persons with Disabilities Act, 2016 may be exempted from the routine



exercise of transfer/rotational transfer subjected to the administrative constraints."

15. It appears that in spite of existence of the aforesaid benevolent Special Policy, the respondent-Bank has mechanically applied the Transfer Policy of Officer and has issued the impugned transfer order, transferring the petitioner to a far-flung area, situated about 1000 KMs away from the place where his dependent brother is undergoing medical treatment.

16. The impugned order dated 08.09.2026 is a non-speaking order and does not disclose any application of mind to the provisions of the Special Policy. No reason has been assigned therein as to why the petitioner's request for retention/exemption under Clause 7(V) & (VI) was not considered. Therefore, the impugned order is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

17. It is settled proposition of law that transfer is an incidence of service and ordinarily Courts should not interfere in transfer orders. However, the said principle is not absolute. Judicial review is permissible, if the transfer order is passed in utter violation of the statutory Rules or a binding policy; or is actuated by malafides; or is arbitrary and in violation of Articles 14 and 16 of the Constitution of India.

18. The Rights of Persons with Disabilities Act, 2016 (for short, "Act of 2016") is a beneficial legislation enacted to give effect to the United Nations Convention on the Rights of Persons with Disabilities. Section 20 of the Act of 2016 mandates that no Government establishment shall discriminate against any person with disability in any matter relating to employment. Section 21





mandates every establishment to frame an Equal Opportunity Policy.

19. The Special Policy framed by the respondent-Bank is, therefore, not an act of charity but a statutory obligation. It has a binding force. The respondent-Bank cannot be allowed to frame a policy for public display and then act contrary to it.

20. A careful reading of Clause 7(v) & 7(vi) makes it abundantly clear that the respondent-Bank has recognized the hardships of care-givers. The aforesaid provisions, when construed purposively and harmoniously, are intended to operate as measures or reasonable accommodation. They require the competent authority, while exercising its power of posting or transfer, to take into meaningful consideration the disability of the employee or the dependent PwBD requiring his or her care, and to avoid, as far as reasonably practicable, a posting which would impose disproportionate hardship in commuting or discharging such caregiving responsibilities. The expression 'administrative constraints' cannot be construed as an omnibus or mechanical exception so as to render the protective object of the provisions nugatory. Rather, any departure from the exemption must be founded upon genuine, relevant and demonstrable administrative exigencies.

21. In the present case, the impugned transfer order is a mechanical order. In as much as, it neither refers to the disability certificate, nor refers to the Special Policy, much less Clause 7(V) & (VI). Thus, it is a classic case of non-application of mind.

22. The Hon'ble Supreme Court in umpteen cases has held that while considering the transfer of employees, who are care-givers





of persons with disabilities, the competent authority must consider the principles of reasonable accommodation. Similarly, it has also been held that a special policy will prevail over a general policy. The general transfer policy must yield to the special policy framed under the Act of 2016.



23. Transferring a care-giver of a person suffering from Thalassemia, who requires blood transfusion on every 15-20 days, to a place 1000 KMs away, where no such facility or family support is available, without any reasonable consideration, is not only arbitrary but also inhumane and violative of Article 21 of the Constitution of India, which includes right to health and right to live with dignity of both the disabled dependent and the petitioner.

24. Furthermore, the purpose of Clause 7(V) is to ensure that the disabled dependent is not left destitute. If the petitioner is transferred to such a distant place, the very survival of his dependent brother would be at stake. The respondent-Bank, being a State within the meaning of Article 12 of the Constitution, is expected to act as a model employer.

25. In view of the above, this Court has no hesitation to hold that the impugned transfer order has been passed in total violation of the Equal Opportunity Policy 2024-27 and without considering the relevant material available on record. Hence, it cannot be sustained.

26. However, this Court is conscious of the fact that the petitioner cannot claim immunity from transfer for all times to come. Transfer is an administrative exigency. The only protection available to the petitioner is that his case must be considered in the light of the Special Policy and he must be accommodated at a



place where adequate medical facilities for his dependent brother are available.

27. It is also to be noted that the petitioner has already served at the present place for more than seven years. Therefore, to balance equities, it would be appropriate that the respondent-Bank may transfer the petitioner to any other station where vacancy exists, in accordance with law, except his present place of posting, after duly considering the mandate of Clause 7(V) & (VI).

28. Resultantly, the instant writ petition is allowed with the following directions:-

- i. The impugned Transfer Order bearing No. ZO-7008/TRF/49124/2026-27 dated 16.05.2026, issued by the respondent-Bank, qua the petitioner, is hereby quashed and set aside;
- ii. The respondents are directed to allow the petitioner to continue at his present place of posting, till his case is considered afresh, in the light of Clause 7(V) & 7(VI) of the Equal Opportunity Policy for FY 2024-27 and the medical condition and dependency of his younger brother who is suffering from 75% permanent disability due to Thalassemia;
- iii. Liberty is further granted to the respondent-Bank to transfer the petitioner to any other place/Branch, where the post is lying vacant, in administrative exigency, except the present proposed place of posting of the petitioner, keeping in view the spirit and mandate contained in Clause 7(V) & (VI) of the Equal Opportunity Policy for FY 2024-27, after passing a reasoned and speaking order;





29. The writ petition accordingly stands allowed, in the above terms.

30. Stay application and all pending applications, if any, shall stand disposed of.



45/ANMOL

(ANOOP KUMAR DHAND),J