

Court No. - 34

Case :- WRIT - A No. - 19971 of 2023

Petitioner :- Manju Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Namit Kumar Sharma, Gunjan Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

Heard Sri N.K.Sharma, learned counsel for the petitioner and learned Standing Counsel for the State.

The petitioner is aggrieved by the transfer orders dated 1.11.2023 dated 17.11.2023 whereby he has been transferred from Basti to Siddharth Nagar district upon attaining promotion.

The petitioner claims to be a disabled person and submits that out of three promotees only petitioner has been chosen to be transferred. It is submitted that being a female employee coupled with the fact that she is disabled person, may be partially, her claim ought to have been considered in preference to others who have been stationed there in their parent district where they were promoted. The petitioner seeks benefit also of the Government Policy dated 7.6.2023 that takes care of those persons who are physically disabled.

Learned Standing Counsel on the contrary submits that petitioner being in employment in the nature where she can be transferred from one place to another place due to administrative exigency or public interest, she cannot claim an indefeasible right to remain at station for a long period. It is also argued that Siddharth Nagar is an adjoining district which is hardly 70 kilometers away from the district headquarters of Basti. It is also submitted that transfer order being general in nature, any interference with the same would also disturb the transfer list and cause prejudice to other persons who have been transferred.

Having heard learned counsel for the respective parties and having perused the record and the transfer policy, I am of the considered view that the matter is required to be examined by the competent authority from the point of view of the petitioner's convenience being a female and a disabled person *vis-a-vis* transfer policy promulgated by the State Government taking care of such employees of the establishment of the State Government.

Accordingly, I hereby provide that in the event petitioner makes a representation within two weeks from today before the competent authority, namely, respondent no. 2, the same shall be looked into and consider it sympathetically and be disposed of on merits by means of reasoned and speaking order within a period of two months from the date of representation of certified copy of this order.

With the aforesaid observations and directions, this petition stands disposed of.

Order Date :- 2.12.2023
Sanjeev