

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 26 OF 2024

Uttam Ch. Paul Vrs. The State of Tripura & 4 Ors.

For the petitioner (s) : Mr. Samarjit Bhattacharjee, Advocate.

For the respondent(s) : Mrs. Riya Chakraborty, Advocate.

HON'BLE MR. JUSTICE ARINDAM LODH

18.01.2024

Order

Heard Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mrs. Riya Chakraborty, learned counsel appearing for the State-respondents.

Shortly stated, the petitioner is a Multipurpose Worker (Male) under the Directorate of Family Welfare and P.M., Govt. of Tripura has been transferred from his place of posting at Salgarah Health Centre to Nidaya Public Health Centre which is at a distance of 70 Kilometers and falls within the District Sepahijala, Tripura. The petitioner in compliance of the said order dated 16.08.2023 [Annexure-2 to the writ petition] had joined to the said place of posting. After joining, the petitioner had submitted a representation for modification of his transfer order dated 16.08.2023 from Nidaya Public Health Centre under Sepahijala District, Tripura to a place nearer to his home town at Salgarah, Udaipur, Gomati District. But, there was no consideration of his representation. The petitioner has been suffering from shortening of lower limb and the extent of his disability is 40% as is evident from the certificate for handicapped person dated 11.06.2007, issued by the Health Department, Govt. of Tripura [Annexure-1 to the writ petition]. It appears from the said certificate that the disability suffered by the petitioner is permanent in nature.

Mr. Bhattacharjee, learned counsel appearing for the petitioner has drawn my attention to the Office Memo. dated 11.10.2022 [Annexure-5 to the writ petition] showing that a transfer policy has been made by the Govt.

of Tripura wherein benefits have been provided to a person suffering from disability to the extent of 40% and above.

Mrs.Chakraborty, learned counsel appearing for the State-respondents has submitted that the transfer is incidental to service and the petitioner has not been transferred to a far off place. Mrs. Chakraborty, learned counsel has further submitted that Nidaya Public Health Centre is suffering from acute shortage of Multipurpose Worker (Male), as such, considering the urgency, necessity and in the interest of public, the respondents have decided to transfer the petitioner to a place not far off from his place of residence.

I have given my thoughtful consideration to the submissions advanced by learned counsel appearing for the parties.

I have considered the Memo dated 11.10.2022 wherein the Govt. of Tripura has taken a policy decision to preferably place a person having disability of 40% and above to their native places or at least in their native District/Sub-division.

In view of this, the respondents are directed to consider the representation of the petitioner in the light of the Memo. dated 11.10.2022 [Annexure-5 to the writ petition] within a period of three weeks from the date of receipt of the copy of this order.

With the aforesaid direction, the instant writ petition stands disposed.

JUDGE

SANJAY GHOSH

Digitally signed by SANJAY GHOSH
Date: 2024.01.19 13:06:36 +05'30'