
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.27076 of 2015

Date of decision: 23.12.2015

Jiwan Jyoti Arora

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Amaninder Preet, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks direction for her being deputed/transferred to ward No.9 or 12, Kotkapura, District Faridkot.

The pleaded case of the petitioner is that she joined as ETT Teacher and is physically handicapped with both lower limbs and right upper limb with 70% disability as per certificate dated 1.4.1992 (Annexure P/1). On account of the said difficulty she was transferred on temporary duty to Government Primary School, Thara from Government Primary School, Channiyan and she joined there on 14.8.2013. The said transfer was, however, cancelled on 7.9.2015 (Annexure P/4) and she was sent back to Government Primary School, Channiyan. It is alleged that Channiyan is at a distance of 90 kilometers(to and fro) from the residence of the petitioner. On account of no direct connection she is facing difficulty in reaching her place of joining. Reliance has been placed upon the instructions dated 5.9.2002 (Annexure P/8) whereby in Clause 3(a) it has been provided that disabled employees' appointment should be made at such place where it is convenient for them to come.

Counsel for the petitioner points out that the representation dated 7.12.2015(Annexure P/9) has already been made regarding the said

aspect to the respondents wherein preference has been given by the petitioner for transferring her to Ward No.9, Kotkapura where the post is lying vacant. Counsel for the petitioner further submits that he would be satisfied if a direction is issued to respondent no.2 to decide the said representation dated 7.12.2015 (Annexure P/9) within some time bound frame.

Notice of motion.

Mr. Anshul Gupta, Assistant Advocate General, Punjab accepts notice on behalf of respondents. Copy of the writ petition has been supplied to him.

Keeping in view the limited relief sought by the petitioner, this Court is of the opinion that there is no requirement of receiving any reply on behalf of the State.

Accordingly, without commenting upon the merits of the case the present writ petition is disposed of with a direction to respondent no.2 to take into consideration the said representation dated 7.12.2015 (Annexure P/9). An appropriate order be passed in accordance with the instructions and keeping in view the above background within a period of one month from the date of receipt of a certified copy of this order. In case any adverse order is to be passed in spite of the instructions dated 5.9.2002 (Annexure P/8) then a reasoned order be passed by the said respondent.

The present writ petition is disposed off with the aforesaid directions.

December 23, 2015
Pka

(G.S.SANDHAWALIA)
Judge