

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4342 of 2016

Virendra Kumar Binjhwar S/o Gorelal Binjhwar, Aged About 25 Years R/o
Vi Dhatadhawari, Tah Kartala Distirct Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health Department Mantralaya,
Mantralaya, Mahanadi Bhawan Naya Raipur P.S. Rakhi, Distirct Raipur
Chhattisgarh
2. The Chief Medical & Health Officer, District Raigarh Chhattisgarh
3. Block Education Officer, Community Health Centre, Block Kharsiya,
Chaple Distirct Raigarh Chhattisgarh

---- Respondents

For Petitioners	:	Shri Vikash Shrivastava, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/09/2016

Heard on admission.

1. Ordinarily an employee cannot seek direction from the Court that he should be transferred. The transfer is an exigency of service. However, there exists a policy of the Govt. wherein the employees have been asked to give their option for transfer on their own request. The petitioner is a person claiming to be suffering from disability to the extent of eighty percent on account of amputation of his left leg from knee.
2. Learned counsel for the petitioner submits that the petitioner has moved an application for transfer on his own request. However, the application has not been considered till date, though the respondent authority has considered applications for transfer on own request in large number of

cases. He submits that person suffering from disability constitute a separate class and they require due and proper attention and consideration of their cases in the matter of transfer on own request. The application for transfer on own request was made by the petitioner on 16.6.2015 so that subject to administrative exigency, the petitioner may be adjusted to the place of his choice, but, though large number of transfers have been made, his application has not been considered. Learned counsel for the petitioner also submits that on the representation made by the petitioner, the Chief Medical and Health Officer has already made a recommendation to the Director, Health Services.

3. Learned counsel for the State submits that the petitioner is a Govt. employee and he cannot claim as of right that he should be posted at any particular place. However, if there is any application for transfer on his own request, the same shall be considered by the competent authority in accordance with the transfer policy and exigency of service.
4. In view of the above, the petition at this stage is disposed off with a direction to the respondent No.1 to consider petitioner's application and take decision thereon within a period of 6 weeks from the date of receipt of copy of this order.
5. This case also gives an occasion to direct the State Govt. to frame an appropriate policy in the matter of transfer and posting of the employees who are suffering from disability, taking into consideration all the relevant aspects including nature and extent of disability and the administrative exigency of service.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge