

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3601 of 2016

- Sobaran Singh Narvariya S/o Late Shri Balwant Singh Narvariya, Aged About 57 Years Horticulture Development Officer At Govt. Garden, Marwahi, Police Station Marwahi, Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Under Secretary, Agriculture And Biotechnology Department, Mahanadi Bhawan, Raipur, Distt. Raipur (Chhattisgarh)
2. Director, Horticulture Directorate Udyaniki And Prachhep Vaniki, Indiravati Bhawan, Floor No. 4, Naya Raipur, Distt. Raipur (Chhattisgarh)
3. Deputy Director, Horticulture Bilaspur, Distt. Bilaspur (Chhattisgarh)
4. Pradeep Kumar Sharma, Office Of Assistant Director Horticulture, Distt. Kabirdham (Chhattisgarh)

---- Respondents

For Petitioner : Mr. A.S. Rajput, Advocate
For State : Mr. D.R. Minj, Dy. Govt. Advocate
Respondent Nos. 1 to 3 on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/08/2016

Heard.

1. The petitioner has challenged the transfer order on the ground that the petitioner belongs to handicap category and therefore, he be exempted from transfer.
2. In the present Transfer Policy dated 11.06.2016, there is no provision which exempts person suffering from disability from transfer. However, looking to the nature and extent of disability, the place and distance at which the handicap petitioner is being transferred, it would be a matter of consideration whether he should be transferred or not . This can be best examined by the

transferring authority and not by the Court. The petitioner, however, if submits representation alongwith a copy of this order within a period of 10 days from today, the same shall be considered whether it is possible to adjust the petitioner at any nearby place because an employee cannot remain posted at one place for all time.

3. If no one has joined at the present place of posting of the petitioner, for the next three weeks, coercive steps shall not be taken against the petitioner.
4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge