

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4885 of 2016

Devendra Kumar Chandra, S/o. Amrit Lal Chandra, Aged About 42 Years, Occupation-Service, Presently Working as Teacher at Government Blind & Deaf School, Jagdalpur, District-Bastar, Permanent R/o. New Sarkanda, Jabdapara, Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through: Secretary, Social Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh.
2. Director, Directorate Of Social Welfare, D.K.S. Bhawan, Mahanadi Block, Raipur, Chhattisgarh.
3. Collector, Jagdalpur, District-Bastar, Chhattisgarh.
4. Collector, Jashpur, District-Jashpur, Chhattisgarh.
5. Narottamlal Sharma, Occupation-Service, Presently Working as Teacher at Government Blind & Deaf School, Raipur, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Malay Shrivastava, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.09.2016

Heard

1. Learned counsel for the petitioner submits that the petitioner is completely blind and disabled as per Annexure P-2. It is submitted that the petitioner was posted at Jagdalpur on 29.05.2008, which is a scheduled area wherein he was working and as per the circular of the State Government since he is completely disabled, he should have been placed at his home district or place of birth but instead by passing both the policy, the State Government has again transferred the petitioner from Jagdalpur to Jashpur, which is again a scheduled area. He further submits that the place of home district of the petitioner is Bilaspur and two posts are vacant and

consequently, the petitioner had made a representation on 16.06.2016 as per Annexure P-7.

2. Learned State counsel is not able to dispute the fact that the representation of the petitioner is still pending.
3. Perused the document filed along-with the petition. The document Annexure P-4 dated 30.08.2010 issued by the State Government shows that the person who are disabled as far as possible they may be placed and transferred to their home district or to the district which is a place of birth. One more circular Annexure P-6 dated 03.06.2015 would show that once the person is placed in the scheduled area, he should be considered for the posting in the non-scheduled area on further transfer. The petitioner is completely blind, which would be evident from Annexure P-2, which shows that he is 100% disabled.
4. Considering the facts of this case, it is directed that the representation of the petitioner dated 16.06.2016 may be decided in view of the existing circulars, taking into fact that the petitioner is completely blind, within a further period of four weeks. Till then the effect and operation of the transfer order dated 23.05.2016 in respect of the petitioner shall remain stayed.
5. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge