

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 23021 of 2016
Date of decision : 7.11.2016**

Sanjeevan Bharti and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Ms. Alisha Arora, Advocate, for the petitioners

Anupinder Singh Grewal, J. (Oral)

The petitioners, who are working as JBT Teachers, are stated to be suffering from locomotive disability. The petitioner No.1 is suffering from 90% locomotive disability, petitioner No.2 is 85% disabled after amputation upto right thigh, petitioner No.3 is suffering 80% post polio left lower limb disability, petitioner No. 4 is suffering from 50% post polio residual deformity of left lower limb disability and petitioners No. 5 and 6 are also suffering 70% locomotive disability (copies of their disability certificates are attached as Annexure P-1 collectively). They have challenged the orders of their transfer.

Learned counsel for the petitioners has contended that in view of the disability of the petitioners, it is difficult for them to discharge their functions at the transferred places. She has placed reliance on the judgment of Coordinate Bench of this Court in the case of "**Pardeep Singh and others v. State of Haryana and others**", CWP No. 16119 of 2016, decided on 9.9.2016, wherein directions have been issued for consideration of cases of visually handicapped teachers for posting with sympathy and compassion. In the case of "**Gurvinder Kaur vs. State of Haryana and others**", CWP No. 20573 of 2016, dated 30.9.2016, a Coordinate Bench of this Court had directed the respondents to look into the matter holistically and sympathetically with regard to the physical

condition of the petitioners, who were polio victims suffering from 70% locomotive disability while posting them. Learned counsel for the petitioners has also drawn my attention to the representations sent to the respondents in this regard on 20.9.2016 (Annexure P-11), which have failed to evoke any response.

Issue notice to the respondents.

At the asking of Court, Mr. Harish Rathi, Senior DAG, Haryana, accepts notice on behalf of the respondents.

The petitioners are physically handicapped persons and they have been transferred from places where it is difficult for them to discharge their functions. In the facts and circumstances of the case, it would be in the interest of justice and equity if the cases of the petitioners are considered by the respondents in terms of the directions issued by this Court in the cases of "**Pardeep Singh and others v. State of Haryana and others**" and "**Gurvinder Kaur vs. State of Haryana and others**" (supra).

Therefore, I deem it appropriate to dispose of this petition with direction to respondent No.2 to consider and decide the representation of the petitioners in the light of the judgments in the cases of "**Pardeep Singh and others v. State of Haryana and others**" and "**Gurvinder Kaur vs. State of Haryana and others**" (supra) within a period of one month from the date of receipt of certified copy of this order.

Till the representation of the petitioners is decided, they shall be permitted to continue at their previous place of posting.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

7.11.2016
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No