

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

Date of decision: 22.03.2016

CWP No.5575 of 2016

Pardeep Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sunil Kumar Bhardwaj, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner approached this Court against his transfer orders posting him from Hisar to Chandigarh. He is working as an Assistant in the Transport Department, Haryana. He suffered a head injury in 2001, which resulted in neurological physical handicap. His recovery has been certified as remarkable in 2002. Fourteen years have gone by after the head injury suffered in a motor accident in 2001. The treating Doctor was a Senior Consultant at the Indraprastha Apollo Hospital, Delhi who advised only limited physical exertion and desk jobs for the petitioner. A long time has gone by and the present medical status is not known or depicted in case papers. However, the petitioner says that he is still undergoing treatment at Delhi. He has been posted in Hisar for more than 4½ years. He has made a representation (Annex P-9) to the competent authority on 18th March, 2016 against the transfer order dated 17th March, 2016 (Annex P-8), which has not been attended to.

Notice of motion.

On the asking of the Court, Mr. Paramjit Singh, AAG, Haryana, accepts notice on behalf of the respondents and waives service on them. One copy handed over in Court. Mr. Bhardwaj to supply requisite number of paper-books to Mr. Paramjit Singh during the course of the day.

The competent authority is requested to look into the representation of the petitioner, understand his neurological problem and deficit energy and take a decision as early as possible keeping in view the interests of both the petitioner and the Department. If the petitioner makes a request for personal hearing, the same shall be granted. In case, the petitioner can be accommodated at Hisar for some more period of time, the competent authority would revisit the impugned order and take a balanced view for which he may even ask the Civil Surgeon, Hisar to express his opinion after medical examination.

With these observations, the present petition is disposed of.

However, till such time the decision is not taken on the representation, the petitioner shall not be relieved from Hisar and his future would rest on the orders passed by the Administration in accordance with law.

[RAJIV NARAIN RAINA]
JUDGE

22.03.2016
Vimal