

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3836 of 2017**

Smt. Priyama Dhandhi W/o Shri Vikas Kumar Thapa, Aged About 38 Years
 Posted As Supervisor, Integrated Child Development Project Korba (City),
 District Korba (Chhattisgarh). **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health & Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
2. The Director, Health Services Chhattisgarh, Indravati Bhawan, Third Floor, New Raipur (Chhattisgarh).
3. The Chief Medical & Health Officer, Korba, District Korba (Chhattisgarh).
4. The District Programme Officer, District Women And Child Development Officer, District Korba (Chhattisgarh).
5. Ku. Swati Rathore, Posted As Supervisor, Integrated Child Development Project, Podi Uproda, District Korba (Chhattisgarh). **---- Respondents**

For Petitioner	:	Shri Anil Tripathi, Advocate
For Respondent/State	:	Shri A.S. Kachhawaha, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/08/2017**

Heard.

1. The petitioner has assailed the transfer order mainly on the ground that the petitioner is suffering from 50% locomotive disability of lower limb and she has been transferred to Surajpur.
2. Learned counsel for the petitioner submits that though the petitioner is not willing to continue at Korba as she has already completed 7 years of posting, looking to the disability, the State may consider her posting to a soft station rather than sending her to a distant place at Surajpur.

3. It is found that the transfer policy dated 11.07.2017 does not make any provision with regard to consideration of cases of those employee, who suffer from disability.
4. In case of physically challenged employees, the respondents are under an obligation to consider their cases as special case in the matter of transfer and posting. Where they should be posted, would essentially depend upon the examination of individual cases depending upon the nature and extent of disability and station where they ought to be posted. The petitioner is a lady employee, who is suffering from 50% disability of lower limb. Therefore, in these circumstances, the case of the petitioner must receive proper consideration. A representation has already been made by the petitioner.
5. Learned State counsel submits that under the transfer policy, Committee has been constituted and the matter may be referred to the Committee, which shall duly examine the petitioner's case taking into consideration the special needs arising on account of disability of the petitioner, after taking into consideration of nature and extent of disability. The petition is accordingly disposed off at this stage with the direction to the respondents to examine the petitioner's case and post the petitioner at a suitable place taking into consideration the nature and extent of disability of the petitioner. This order should not be treated as direction to continue the petitioner at the same station but to consider her to post a soft station.
6. Till the appropriate decision is taken in the matter and suitable modified order is issued, the petitioner shall not be compelled to proceed on transfer nor any coercive steps shall be taken against the petitioner.

Sd/-
(Manindra Mohan Shrivastava)
Judge