

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.3982 of 2017

- Ms. Hemlata Pillay D/o Late Shri Subramaniam Pillay, Aged About 60 Years R/o House No 3/ 765, Infront Of Tuli Niwas, Shanti Nagar, Near P.G. Umathe Girls H.S. School, Raipur, District Raipur, Chhattisgarh. , Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Health Engineering, Mahanadi Bhavan, Ministry, New Raipur, District Raipur, Chhattisgarh. , Chhattisgarh
2. The Engineer- In - Chief, P. H. E. Department, Neer Bhavan, Raipur, Chhattisgarh. , District : Raipur, Chhattisgarh
3. The Executive Engineer, Department Of Public Health Engineering, Project Division Raipur, District Raipur, Chhattisgarh. , District : Raipur, Chhattisgarh
4. Shri Subhash Tiggal Assistant Draftsman, Posted At Public Health Engineering Project Division, Jagdalpur, District Bastar, Chhattisgarh. , District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Petitioner	:	Shri Alok Dewangan, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/04/2018

Heard.

1. The petitioner, a disabled employee, has filed this petition seeking indulgence of the Court in the matter of transfer. The petitioner is presently posted at Raipur and by the impugned order, she has been transferred to Jagdalpur. The petitioner is suffering from disability to the extent of 35% has not been disputed before this Court. Relevant certificate and photographs are also on record.
2. The petitioner has placed on record government policy dated 30-08-2010 (Annexure P/8), which provides that in so far as disabled Class III & Class IV employees are concerned, they may be considered for posting at the place of their birth or in their home district, as far as possible.

3. The petitioner has been transferred to far off place, therefore, the petitioner's case would require consideration, particularly when the employee placed on record Setup (Annexure P/9), which indicates that not only at Raipur, but in nearby places also, there are vacancies, where the petitioner could be considered for accommodation.
4. Let the petitioner's claim be considered in accordance with the policy and if the posts are available in the nearby places or in the same district, the authority shall consider posting of the petitioner by proper modification in the impugned transfer order.
5. Accordingly, this petition is finally disposed off. It is ordered that till appropriate orders are passed, the petitioner shall be allowed to continue at the present place of posting.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E