

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1487 of 2019

T.R Dewangan S/o Shri Shankar Lal Dewangan Aged About 34 Years Occupation- Service, Tahsildar, Koriya, R/o Civil Lines, Baikunthpur, District Koriya Chhattisgarh, Permanent Address- Ward No.11, Sanjay Nagar, Champa, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

State Of C.G., Through The Secretary, Ministry Of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. D.C. Verma, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/03/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 20.02.2019, whereby the petitioner has been transferred from District Koriya to District Kanker. The record shows that the order of transfer has been made on the administrative exigency.
2. The facts of the case is that the petitioner is a physically handicapped person, working on the post of Tahsildar at Koriya. The record also shows that the petitioner for the last about 6 years has been continuously posted in a schedule area and vide the impugned order, the petitioner again is being transferred to a schedule area and the new place of posting of the petitioner i.e. Kanker district is a naxalite affected area and the petitioner apprehends that he would not be able to discharge his duties to the best of his ability therere in

the prevailing circumstances he should have been retained at the same place, or in a non-schedule area. The petitioner has enclosed with the writ petition Annexure P/3, the disability certificate issued from the Medical board.

3. The counsel for the petitioner refers to the policy of the State Government (Annexure P/6) dealing with the protection that a physically disabled employee is entitled and under the policy itself, it is being envisaged by the State Government that the physically handicapped person, should not be posted as a matter of routine to the schedule areas and thus it is in violation of the transfer policy also.
4. Counsel for the petitioner further submits that the respondents also ought to have been considered the petitioner's case keeping in view the provisions of the Act dealing with the person with disabilities.
5. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation to the respondent No.1 in this regard within a period of 15 days from today supported with all relevant documents and records. The respondent No.1 in turn shall reconsider the case of the petitioner taking into account the physical disability that the petitioner suffers from and would also consider the place, where the petitioner is being posted as it is said that the area where the petitioner is being posted is a hard core naxalite area.
6. Let the respondent No.1 take a decision in this regard within a period of 60 days from the date of receipt of the representation.

7. Meanwhile, the effect and operation of the impugned order dated 20.02.2019 shall remain stayed, so far as the petitioner is concerned. The respondents are further directed to ensure that the reliver of the petitioner also is not adversely affected by the interim order granted by this Court.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved