

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6632 of 2019

1. Smt. Neema Rai, W/o - Shri Prabhu Rai, Aged About 48 Years, Presently Working As Supervisor At Office Of The District Program Officer, Woman And Child Development, Project Korba, District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Woman And Child Development, Department, Mahanadi Bhawan, Naya Raipur District: Raipur, Chhattisgarh
2. The District Program Officer, Woman And Child Development, Project Korba, District: Korba, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Manoj Chauhan, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.09.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 21.08.2019, whereby the petitioner has been transferred from District Program Officer, Women and Child Development Officer, Korba, District: Korba to Integrated Child Development Project, Tapkara, District: Jashpur, (C.G.)
2. The challenge of the present petitioner is that the petitioner is a handicapped person and is suffering from more than 60 percent disability as it evident from the Disability Certificate issued by the District Hospital at Korba.

3. The contention of the petitioner is that, the place of posting where the petitioner has been posted does not have proper road conditions for travelling to her. He further submits that the place is far more interior and far away from the present place of posting and therefore, the impugned order should be set-aside/quashed for the said reason.
4. Given the fact that the petitioner is a disabled (Divyang) person suffering from more than 60 percent disability.
5. Let the petitioner make a detailed representation to the Respondent No. 1 and the Respondent No. 1 while deciding the representation should consider the aspect of the protection granted to the physically handicapped persons in the transfer policy and shall also keep in view the provisions of the Persons with Disability Act, 2016.
6. In addition, the State Government would also consider the circular dated 30.08.2010 issued, so far as the transfer of persons with disability are concerned.
7. Till the representation of the petitioner is decided, there shall be stay of the effect and operation of the impugned order including any relieving, if any passed.
8. With the aforesaid observations, the present Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**