

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6802 of 2019

1. Ashok Upadhyay, S/o Late Shri Sunderlal Upadhyay, Aged About 56 Years, Presently Posted As Pharmacist At Govt. Ayurved College, And Hospital Bilaspur, District: Bilaspur, R/o Milan Chowk, Kududand, Tehsil And District: Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, Tahsil And District Raipur Chhattisgarh
2. Director, AYUSH, Chhattisgarh Ayurved And Unani Chikitsa Paddhati And Prakritik Chikitsa Board Raipur, District Raipur Chhattisgarh
3. Principal / Superintendent Govt. Ayurved College And Hospital Bilaspur, District Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Vaibhav P. Shukla, Advocate
For State	:	Mr. Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30.08.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 22.08.2019, whereby the petitioner has been transferred from Government Ayurved College and Hospital, Bilaspur, District: Bilaspur to Government Ayurved Hospital, Birra, District: Janjgir-Champa, (C.G.)
2. The contention of the petitioner is that the petitioner is a physically handicapped person and is having from more than 60 percent disability as it evident from the Disability Certificate issued by the District Medical Board, Bilaspur.

3. He further submits that the State Government has passed a Circular dated 30.08.2010, whereby they have extended certain protection to the physically handicapped persons.
4. The contention of the petitioner is that, the transfer policy holds that the disabled persons should not be disturbed as far as possible.
5. Given the aforesaid fact, let the petitioner make a detailed representation to the Respondents within 10 days from the date of receipt of copy of this Order and the Respondents may consider the representation within further 45 days from the date of receipt of representation of the petitioner.
6. While deciding the said representation the respondents 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.
7. In addition, the State Government would also consider the circular dated 30.08.2010 issued, so far as the persons with disability are concerned.
8. Till the representation of the petitioner is decided, there shall be stay of the effect and operation of the impugned order (Annexure), so far as the petitioner is concerned.
9. With the aforesaid observations, the present Writ Petition stands disposed off.

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