

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7209 of 2019**

Dhruv Kumar Dewangan S/o Shri Bharat Lal Dewangan, Aged About 33 Years, Working As Assistant Grade 3, Chief Health And Medical Officer, Bilaspur, R/o Chingrajpara, Ashok Vihar Phase-2, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Under Secretary, Health And Family Welfare Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh
2. The Chief Medical And Health Officer Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Shalki Tiwari, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.09.2019**

1. The challenge in the present writ petition is to the order of transfer dated 23.08.2019 Annexure P-1 whereby the petitioner has been transferred from the office of Chief Health & Medical Officer, Bilaspur to Community Health Center, Podi-Uroda, District Korba.
2. The challenge is on the ground that the petitioner being a disabled (Divyang) person with more than 50% disability should not have been

transferred to a scheduled area. The petitioner referred to Annexure P-2 which is a disability certificate issued by the District Medical Board, Mungeli in this regard.

3. Given the fact that the petitioner is a disabled (Divyang) person having more than 50 percent disability, let the petitioner make a detailed representation to the Respondent No. 1 within a period of 10 days from today and the respondent No.1 in turn shall consider the same within a period of 45 days from the date of receipt of the representation. The Respondent No. 1 while deciding the representation should consider the aspect of protection granted to the physically handicapped persons in the transfer policy and shall also keep in mind the provisions of the Persons with Disability Act, 2016. In addition, the State Government would also consider the circular dated 30.08.2010 so far as the persons with disability are concerned.
4. Till the respondent no.1 takes a decision, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.
5. With the aforesaid observations, the present Writ Petition stands disposed off.

Sd/-
P. Sam Koshy
Judge