

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 8334 of 2019

Jitendra Chandrakar S/o Shri Late Vishanu Prasad Chandrakar Aged About 35 Years Presently Posted As Mining Inspector At Office Of Collector, Mining Department, Mahasamund R/o R. R. City, Kurud, District Dhamtari Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Mining Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
2. Under Secretary Mining Department, Mantralaya Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
3. Collector Department of Mining Mahasamund District Mahasamund Chhattisgarh.
4. Leeladhar Prasad Sahu Presently Posted As Mining Inspector At Office Of Collector, Mining Department, Bijapur, District Bijapur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ghanshyam Kashyap, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.10.2019

1. Challenge in the present Writ Petition is to the order of transfer dated 20.08.2019 whereby the petitioner has been transferred from Mahasamund to Bijapur.
2. The challenge is on the ground that the petitioner is a disabled person suffering from more than 75 percent disability as is evident from the disability certificate issued by the District Medical Board, Dhamtari and the very appointment of the petitioner was also under the persons with disability quota.
3. Given the aforesaid facts, let the petitioner make a detailed representation in this regard to the respondents within a period of 10 day from today, who in turn, shall consider and decide the same at the earliest preferably within a further period of 45 days.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order shall remain stayed so far as petitioner is concerned.
5. It is made clear that while deciding the representation of the petitioner, the concerned respondent would also keep in mind the transfer policy of the State Govt. so far as dealing with the disabled persons are concerned and shall also keep in mind the provisions of the Persons with Disability Act, 2016.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder