

Sr. No.121

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.31913 of 2019 (O&M)

Date of Decision: 05.11.2019

Arun Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vivek Salathia, Advocate,
for the petitioner.

Mr. P.S.Bajwa, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

1. The disability certificate issued by the competent Government Doctor (Civil Surgeon, Amritsar) reflects that petitioner is a bonafide orthopedically handicapped and cannot travel without the assistance of an escort. Notwithstanding, the same has been completely disregarded while passing transfer order dated 29.10.2019 (Annexure P-1) impugned herein, whereby petitioner has been transferred from Amritsar to Verka.

2. Learned counsel for the petitioner submits that petitioner is a class-IV employee (Peon) and being handicapped he is unable to undertake any travel and it was in this view that he has throughout been posted at ESI dispensary, Amritsar ever since his initial appointment and has been serving here for the past 32 years.

3. Learned counsel for the petitioner submits that at the

fag end of his service, the petitioner has been transferred to a dispensary where not only there is a sanctioned post of peon but even otherwise petitioner being handicapped is completely non-suited to serve there as a Peon.

4. Notice of motion.

5. On advance service of the petition, Mr. P.S.Bajwa, Additional A.G., Punjab appears and accepts notice on behalf of the respondents.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the present writ petition is disposed of with a direction to the respondents to treat the present writ petition as a representation and to pass fresh orders, in accordance with law, keeping in view the medical condition of the petitioner.

8. Let the needful be done within a period of 30 days from the date of receipt of certified copy of this order.

9. It is expected of the respondents that they shall take a sympathetic view and allow the petitioner to serve at a place which is handicapped friendly and is near to his native place and also give him the benefit of Transfer Policy dated 23.04.2018 (Annexure P-6), which envisages that ordinarily handicapped person shall not be transferred.

10. Until the passing of fresh order as aforesaid, the impugned transfer order dated 29.10.2019 (Annexure P-1) shall

remain stayed qua the petitioner.

11. Disposed of in above terms.

05.11.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No