

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

**CWP NO. 35681 OF 2019
DATE OF DECISION : 09.12.2019**

Inderjit Kaur

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Paras Jagga, Advocate,
for the petitioner.

Mr. P. S. Bajwa, Addl. AG, Punjab.

ARUN MONGA, J.(ORAL)

The disability certificate issued by the competent Government Doctor (Civil Surgeon, Patiala), reflects that petitioner is a bona fide orthopedically handicapped with permanent disability of 40%. Notwithstanding, the same has been completely disregarded while passing transfer order dated 27.11.2019 (Annexure P-3) impugned herein, whereby the petitioner has been transferred from Government Senior Secondary School, Lang, District Patiala to Government Senior Secondary School, Lehragaga, District Sangrur.

2. Learned counsel for the petitioner submits that petitioner is working as Principal and being 40% handicapped, she is unable to undertake any travel.

3. Learned counsel further submits that the petitioner also submitted representation contained at Annexure P-5, but the same have not been decided till date. It is further submitted that though the petitioner has joined her new place of posting, but she is facing immense difficulty in commuting from her residence, being disabled.

4. Notice of motion.

5. On advance service of the petition, Mr. P. S. Bajwa, Additional Advocate General, 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 writ petition is disposed of with a direction to the competent authority/respondents to objectively consider the representation (Annexure P-5) submitted by the petitioner and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law, keeping in view the medical condition of the petitioner. While deciding the representation, it would be appreciated if the competent authority keeps in mind the policy guidelines contained at Annexure P-2A, particularly Clause 2(c), whereby persons with special disabilities/handicapped are to be given privilege

treatment.

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 her native place and also give her the benefit of policy guidelines, which envisages that ordinarily handicapped person shall not be transferred.

10. Disposed of in above terms.

(ARUN MONGA)
JUDGE

DECEMBER 09, 2019
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No