

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS NO. 3176 of 2021**

1. Ashish Kumar Bandhekar S/o Shri Una Ram Bandhekar Aged About 41 Years Occupation Service, Presently Posted As Block Level Investigator, Janpad Panchayat Pandariya, Civil And Revenue District Kabirdham Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Planning, Economics And Statistics, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Commissioner-Cum-Director Directorate Economics And Statistics, Indrawati Bhawan, Raipur Chhattisgarh
3. Collector Kabirdham District Kabirdham Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Pandariya, Civil And Revenue District Kabirdham Chhattisgarh
---- Respondent

For Petitioner : Shri Avinash Singh, Advocate.

For State : Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.07.2021**

1. Aggrieved by the order of change of posting of the petitioner vide Annexure P/1 dated 16.06.2021, the present writ petition has been filed.
2. According to the Counsel for the petitioner, the petitioner herein is a person with disability and his appointment under the respondents itself was under the physically handicapped quota. The petitioner suffers

from serious visual impairment. According to the counsel for the petitioner, vide the impugned order now the petitioner has been transferred from Janpad Panchayat Pandariya to Janpad Panchayat Bodla, which is quite a far of place so far as petitioner is concerned, on account of his disability that he has. According to the petitioner under the provisions of Rights of Persons with Disabilities Act 2016, there is a provision whereby the employer is directed to ensure that the persons with disabilities are not put to inconvenience by way of transfer or being posted at a far of place. The State of Chhattisgarh also has thereon policies in this regard, in spite of all this the petitioner has been shifted from Janpad Panchayat Pandariya to Janpad Panchayat Bodla.

3. The counsel for the petitioner submits that he has already made a representation in this regard to the District Collector, however the copy of the same is not enclosed along with the writ petition. According to him, the representation was submitted to the authorities on 18.06.2020 and till date there is no order passed on the said representation. Counsel for the petitioner further submits that he has till date not been relieved and he continues to discharge his duty at Janpad Panchayat Pandariya itself.
4. Given the said aforesaid factual matrix as it stands, let the petitioner make a fresh representation, in addition to the representation that he has made in the past, to the respondent No. 3 the Collector who intturn shall consider the representation of the petitioner in accordance with rules and regulations governing the field, particularly taking note of disability of the petitioner and also the rights which stand in favour of the petitioner in the capacity of a disabled person under the provisions

of the aforementioned Act 2016. Let an appropriate decision be taken at the earliest preferably within a period of 45 days.

5. Meanwhile, purely as an interim measure, since the petitioner has not been relieved of his charge, the respondents shall not act upon the order of transfer (Annexure P/1), so far as the petitioner is concerned, till the representation of the petitioner is decided.
6. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge