

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

CWP-20164 of 2021 (O&M)

Date of decision: 04.10.2021

Ram Avtar Sharma

...Petitioner

Versus

Haryana State Agricultural Marketing Board, Panchkula and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. S.K. Malik, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Petitioner Ram Avtar Sharma, who is visually impaired to the extent of 100%, working as Mandi Supervisor in the office of Secretary-cum-Executive Officer, Market Committee, Panchkula is feeling aggrieved by order dated 28.09.2021, vide which he has been transferred to Shahabad, District Kurukshetra. According to the petitioner, this transfer is not only in violation of transfer policy dated 13.02.2020 but also flouts the instructions issued by the Government of Haryana with regard to disabled employees. The wife of petitioner is also visually impaired to the extent of 100% and she is working as a Music teacher in a Govt., school at Manimajra.

According to the petitioner, he had submitted written representations dated 27.08.2021 (Annexure P-12) and 30.09.2021 (Annexure P-14) addressed to Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula but ththose have not evoked any response. As such, he has to approach this Court by way of filing the

present writ petition.

I have heard learned counsel for the petitioner besides going through the record.

Learned counsel for the petitioner has drawn my attention to letter issued by Chief Secretary to Government of Haryana dated 23.12.2008 (Annexure P-11), wherein it has been suggested that as far as possible, the handicapped and blind employees be shown due consideration to mitigate their inconvenience, while considering the question of their postings and transfers. Learned counsel has further referred to Online Transfer Policy for the Government employees in the State of Haryana, which is dated 13.02.2020, wherein it is mentioned in para No.5 of the policy that employees who are 100% blind or having 80% or more locomotor disabilities involving both the legs shall be given their choice of posting.

Learned counsel for the petitioner has contended that under similar circumstances, this Court has been directing the employer of such visually impaired employees not to disturb such petitioner from their present place of posting. A reference in that regard has been made to order passed in CWP-21568-2016 on 19.10.2016 (Annexure P-15) and order passed in CWP-32374-2019 on 07.11.2019, vide which the respondents-employers were directed to consider the representation of the an employee, who was orthopedically handicapped and so also order passed in CWP-4740-2021 on 01.03.2021.

Accordingly, the present writ petition is disposed of directing respondent No.1 to consider the representations dated

27.08.2021 (Annexure P-12) and 30.09.2021 (Annexure P-14) of the petitioner as per law, rules, regulations and transfer policy on the subject within a period of one month from the date of receipt of copy of this order and then to take necessary action in the matter, which is so warranted. A speaking order in that regard be passed, which be conveyed to the petitioner.

Till then, the operation of impugned transfer order qua the petitioner shall remain in abeyance.

04.10.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No