

(2012) 08 P&H CK 0178
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 15960 of 2012

Harpal Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 21-08-2012

Acts Referred:

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 — Section 46

Citation : (2012) 08 P&H CK 0178

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : S.L. Chander Shekhar, for the Appellant;

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The challenge in the present petition is to the order dated 03.08.2012 (Annexure P-6) whereby the petitioner, who is holding the post of Multipurpose Health Worker in Sub Centre Mohan Bhandarian, Public Health Centre, Ramdass, District Amritsar, has been transferred from Amritsar to Jalandhar. Learned counsel appearing for the petitioner contends that the petitioner is suffering 60% disability element and as such the impugned transfer order is uncalled for and unjustified.

2. On a specific query having been put by the Court, it was conceded by the counsel that the petitioner has stayed at the earlier place of posting since the year 1998.

3. The order of transfer is otherwise an incidence of service. Even in terms of the impugned order dated 03.8.2012 (Annexure P6), apart from the petitioner 32 other employees have been transferred to various other stations. Clearly the transfer order (Annexure P-6) has been passed in the normal administrative exigency of service. An order of transfer would be open to challenge only if the same is vitiated by malafides, has been passed in violation of the statutory

provisions or has been issued by an authority not competent to pass such order.

4. I find no basis that would warrant interference in the impugned order of transfer of the petitioner dated 03.08.2012 (Annexure P-6).

5. No merit.

6. Writ Petition is dismissed. At this stage learned counsel would refer to Section 46 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, to contend that it is the obligation of the appropriate Government as also the local authorities to provide certain facilities in the nature of ramps in public buildings; adaption of toilets for wheel chair users etc. at the place of posting of such employees, who suffer from disability element. While dismissing the present writ petition, it is directed that respondents No. 1 and 2 would take adequate steps within the limits of economic capacity as stipulated u/s 46 of the 1995 Act to provide the requisite facilities even to the petitioner at the place of posting at Jalandhar.