
(2021) 10 SHI CK 0039
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 6547 Of 2021

Shiv Mohan Singh

APPELLANT

Vs

State Of H.P And Others

RESPONDENT

Date of Decision : 21-10-2021

Acts Referred:

Citation : (2021) 10 SHI CK 0039

Hon'ble Judges : Mohammad Rafiq, CJ;Sabina, J

Bench : Division Bench

Advocate : Abhishek Barowalia, Ashok Sharma, Vikas Rathore, Ritta Goswami, Seema Sharma

Final Decision : Disposed Of

Judgement

Mohammad Rafiq, CJ

1. This writ petition has been filed by petitioner, Shiv Mohan Singh, who was working on the post of Sub Divisional Officer (Civil) at Paddhar in District Mandi, H.P. and was transferred to the Office of Regional Transport Officer, as Regional Transport Officer, Kangra at Dharamshala. The petitioner joined the said place on 9.7.2021. However, within a short span of three months, he was again transferred to Hamirpur as Deputy Secretary, H.P. Staff Selection Commission, Hamipur.

2. The grievance of the petitioner is that there was no administrative exigency for transferring him within a short span of three months. It has been submitted by the petitioner that he is suffering from serious ailment of UGI Bleed and was admitted in Indira Gandhi Medical College & Hospital, Shimla for treatment w.e.f. 30.8.2018 to 4.9.2018. A reference is made to the Medical Certificate issued by the Senior Medical Superintendent of Indira Gandhi Medical College & Hospital, Shimla dated 12.10.2018 (Annexure P-5), wherein he has been advised to avoid extreme cold conditions and high altitude and, therefore, it was suggested that he may be posted nearby such places where the Gastroenterology facilities are

available, such as IGMCM, Shimla, Dr. RPGMC Tanda and PGI Chandigarh. A reference is also made to Pathology Report (Annexure P-6), wherein it is opined that microscopic examination shows scant representative cellular material comprising of cells partly entangled in blood clots, epithelioid giant cells and granulomas. The contention of the petitioner is that he is suffering from UGI Bleed and, therefore, is required to be posted nearby any one of the aforesaid places where such medical facilities are available.

3. Even though this Court called upon learned Deputy Advocate General to explain the administrative exigencies for shifting the petitioner from Regional Transport Office, Kangra to the Office of H.P. Staff Selection Commission, Hamipur within a short span of three months, but considering the hardships of the petitioner, we deem it appropriate to require him to approach the Chief Secretary to the Government of Himachal Pradesh by means of a comprehensive representation, placing on record all his medical documents, who shall consider posting of the petitioner in any one of the three places, referred to above where the aforesaid medical facilities are available, within a period of 15 days from the date of submission thereof alongwith a copy of this order.

With the aforesaid observations, the present petition stands disposed of, so also, pending application(s), if any.