
(2012) 07 P&H CK 0049
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 13122 of 2012

Smt. Usha Rani

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 16-07-2012

Acts Referred:

Citation : (2012) 07 P&H CK 0049

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Subhash Ahuja, for the Appellant;

Judgement

Tejinder Singh Dhindsa, J.—The petitioner, who is working as a JBT Teacher is presently posted at Govt. Primary School, Bhagwanpur District Panchkula. It has been contended that the petitioner is suffering from Osteo Arthritis which is a chronic disease. Towards such an assertion, report of the Medical Board Panchkula dated 4.4.2012 (Annexure P-3) has been relied upon. Prayer made in the present petition is to consider her claim for being posted to a school which is located near a Hospital where she could avail all the medical facilities keeping in view her health condition. Learned Counsel while raising such a claim has relied upon a transfer policy dated 6.10.2004 Annexure P-5 and makes a specific reference to Clause VI, which reads as under :

As far as possible employees with a serious handicap that restricts their movement and blind employees, may be shown due consideration to mitigate their inconvenience, while considering the question of their transfers.

Even though an order of transfer is an incidence of service yet it has been held by Hon''ble the Apex court in the case of Union of India Vs. S.L. Abbas 1995 (4) SCT 455 that even though transfer policy guidelines do not confer any legal and enforceable right in favour of an employee, yet at the same time the competent authority while issuing transfer orders shall keep in mind such transfer policy/guidelines duly framed. Learned Counsel submits that a representation dated

18.4.2012 (Annexure P-6) towards redressal of her grievance has already been submitted to the respondent authority.

2. In view of the averments made in the petition and in the light of submissions made, I deem it appropriate to dispose of the petition with a direction to the respondent-authorities to decide the representation dated 18.4.2012 (Annexure P-6) by passing a speaking order within a period of 8 weeks from the date of receipt of copy of order. Suffice it to observe that the claim of the petitioner would be considered in the light of the transfer policy dated 6.10.2004 (Annexure P-5). The petition is disposed of.