

Government of Himachal Pradesh
Department of Higher Education

P.S. Cell
DHE

ORDER

No. EDN-B-B(6)-3/2023

Dated: Shimla-2, the

2024. 2 AUG 2024

Branch

Whereas, Sh. Brij Lal, Principal GSSS Bychari Distt. Shimla (Now joined at GSSS Dargi Distt. Shimla) filed a CWP No. 7503 of 2024 seeking adjustment to the place of his choice in view of his adverse physical condition. The Hon'ble High Court has decided the matter on dated 31.07.2024, the operational part of the order is as under:-

"After making his submissions for some time, learned counsel for the petitioner submits that interest of justice would be served in case the representations that have been made by the petitioner for his adjustment to some other station are sympathetically treated by the Authority concerned on account of the disability suffered by him.

In view of the prayer so made, this Writ petition is disposed of without interfering with the impugned transfer order with the observation that let a call be taken on the representations made by the petitioner sympathetically by the Authority concerned within a period of two weeks from today and till then the petitioner shall not be forced to join the place where he stands transferred. Pending miscellaneous application(s), if any, shall also stand disposed of."

A representation of the petitioner was received on 01.08.2024 in which he has submitted that he is a physically handicapped having 45% permanent orthopaedic Physical Disability of dorsal spine deformity Kyphoscolosis which is a benchmark disability as defined under the "Right's of the Persons with Disability Act, 2016". The applicant has been ordered to be transferred at GSSS Dargi Distt. Shimla which is at a distance of approximately 50 K.M. from his residence and is totally against the "Right's of the Persons with Disability Act, 2016. He has further stated that his wife is also suffering from psychological disorder and is under treatment at IGMC Shimla. There is none in the family of the applicant to handle all the house chores and take care

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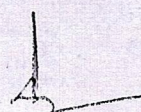
of the family. Further, he has requested that he may be adjusted at GSSS Majhol (Kandaghat) Distt. Solan against vacancy being caused due to retirement of the present incumbent on 30.9.2024.

Whereas, it is submitted that the main plea of Sh. Brij Lal, Principal is that he is a physically handicapped having 45% permanent orthopaedic Physical Disability of dorsal spine deformity Kyphoscolosis.

Whereas Sh. Brij Lal, Principal was transferred from GSSS Bychari Distt. Shimla to GSSS Dargi Distt. Shimla vice Sh. Rajender Kumar, Principal and vice versa by clubbing his previous stay within the radius of 30 Kms as per the approval of the competent authority vide orders dated 25.7.2024. Moreover, the provision of Comprehensive Guiding Principles-2013" for regulating the transfer of the State Govt. Employees i.e. provision 5.3 provides as under:-

1.3 Concessions to handicapped employees:-As far as possible, officers/Officials with 60% and above physical disability should be given stations of their choice. In the circumstances where it is absolutely not possible, subject to vacancy, they should at least be given postings on road heads or convenient stations where bus service is available."

Further, it is gathered from his service record that he has remained posted in Shimla district since his first posting in the year 2001. Since, he has joined at his new place of posting i.e. GSSS Dargi on dated 31.7.2024 (which is a drive in station), it is not just and fair to adjust him at GSSS Majhol (Kandaghat) Distt. Solan against vacancy being caused on 30.9.2024 i.e. after almost two months. Therefore, his representation is rejected.


(Rakesh Kanwar), IAS
Secretary (Education) to the
Government of Himachal Pradesh

REGISTRED POST

**Sh. Brij Lal, Principal,
GSSS Dargi Distt. Shimla.**

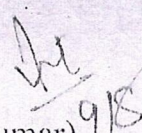
Endst. No as Above

Dated Shimla-2 the

09-8-2024.

Copy is forwarded to the following for information/necessary action.

1. The Director of Higher Education, H.P. Shimla-1 for uploading the same on the official website of the Department .
2. The Joint Secretary (Education) to the Govt. of HP w.r.t. CWP No. 7503 of 2024.
3. The Deputy Advocate General, H.P, Shimla-1 w.r.t. CWP No.7503 of 2024.
4. The Deputy Director of Higher Education Shimla with the direction to ensure the delivery of this order to the concerned Principal, H.P and for the purpose of joining relieving.
5. Guard file.


(Anil Kumar)

Under Secretary (Hr. Education) to the
Government of Himachal Pradesh