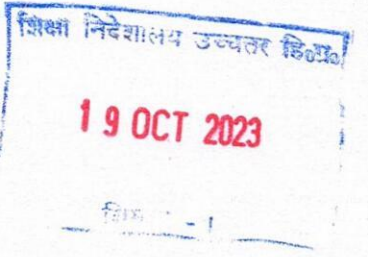


No. EDN-HE (26) B(6) 26/2023
Directorate of Higher Education
Himachal Pradesh, Shimla-1



Dated: Shimla-1, the _____

"ORDER"

Whereas the petitioner Smt. Pushpa Devi, DPE who was under order of transfer from GSSS Rajgarh, Distt. Sirmour to GSSS Bhanog, Distt. Sirmour vice Sh. Ajay Kumar, DPE & vice versa. Feeling aggrieved she filed CWP No 6111/2023 titled as Pushpa Devi Vs State of H.P before the Hon'ble High Court. This petition was listed before Hon'ble High Court on dated 05.09.2023 when the same was finally disposed with the directions to respondents as under:-

Under the impugned office dated 30.08.2023 (Annexure P-5), the petitioner, working as DPE at GSSS Rajgarh, Distt. Sirmour has been transferred to GSSS Bhanog, Distt. Sirmour, H.P. vice Sh. Ajay Kumar (respondent No. 3). The transfer order has been assailed on the ground that the same has been issued merely on the basis of D.O note just to accommodate respondent no. 3.

The case file shows that the petitioner is serving at the present place of posting ever since the year 2013. Learned counsel for the petitioner submits that not only the petitioner but her husband has also been permitted to serve in this very place since long on account of the ailment suffered by the petitioner. It is pointed out that the petitioner has been diagnosed with tuberculosis in the spinal cord with 85% loss of L-3, L-4 and L-5. At this stage, learned counsel for the petitioner submitted that the petitioner would be content if she is permitted to make a representation to respondent No. 2/ competent authority, seeking her suitable adjustment, in view of her medical condition and also keeping in view the fact that she is nearing her retirement, where after, the competent authority/ respondent No. 2, be directed to decide the same in a time bound manner. Learned Additional Advocate General is not averse to this prayer.

Learned counsel for the petitioner further submitted that pursuant to the impugned transfer order, respondent No. 3 has joined at the place of posting of the petitioner and consequently, the petitioner has also been relieved from the present place of posting.

In view of the above submissions, this writ petition is disposed of by the permitting to make a representation to respondent No. 2/ competent authority within one week from today, which shall be considered and decided by respondent No. 2/ competent authority in accordance with law, applicable transfer policy and taking into consideration the medical condition as well as impending retirement of the petitioner, within a period of one week thereafter. The decision so arrived at shall also be communicated to the petitioner. Till such time, the petitioner shall not be compelled to join at the transferred station and she may avail leave of kind due. However, the protection available to the petitioner in this order shall stand automatically vacated, in case the representation is not preferred within the indicated time line.

Pending miscellaneous application(s), if any, also to stand disposed of.

And whereas upon passing of above directions, both the petitioner and respondent No. 3 were called to appear in this office for personal hearing on 12.10.2023 and both were present on this date. During the course of hearing the petitioner has pleaded that she is suffering from pots Spine (Tuberculosis in Spinal Cord with 85 % Loss) and advise by the doctors to avoid forward bending weight lifting and prolonged standing, not to travel on sloppy areas and advise for regular follow up & has requested that her transfer order may be cancelled and she may be retained at GSSS Rajgarh, Distt. Sirmour due to her health problems.

Now therefore, after taking into account the above discussed facts and circumstances of the case, a request of the petitioner has been considered, the transfer order earlier issued on dated 30.08.2023 is hereby cancelled & Smt. Pushpa Devi, DPE is allowed to continue to serve at GSSS Rajgarh, Distt. Sirmour and Sh. Ajay Kumar, DPE is adjusted at GSSS Bhanog, Distt. Sirmour. Accordingly her representation stand disposed of.



Director Higher Education
Himachal Pradesh

Regd.

Smt. Pushpa Devi, DPE, w/o Sh. Pradeep Chauhan

Vill- Kawga, PO & Tehsil Rajgarh, Distt. Sirmour, (HP)

Endst No. Even dated: Shimla-1

Copy for information to:

1. The District Attorney (Education) Directorate of Hr. Education, in reference to CWP No. 6111/2023-titled in the matter of Smt. Pushpa Devi Vs State of H.P. & others and in apprise to Hon'ble High Court to accordingly please.
2. The Deputy Director of Higher Education Sirmour, H.P.
3. The Principal, GSSS Rajgarh, (SMR)/ GSSS Bhanog, (SMR), HP.
4. The Supdt. Legal cell, Directorate of Higher Education, Shimla-1
5. The Incharge IT Cell, (DHE) to upload the said order on website.
6. Smt. Pushpa Devi (Petitioner), DPE, GSSS Rajgarh, (Sirmour)
7. Guard file.



Director Higher Education
Himachal Pradesh