

**ORDER**

In the matter of: CWP No: 2/2023- Madan Lal Vs. State of Himachal Pradesh.

Sh. Madan Lal, TGT (Arts) has filed CWP No. 2/2023-before the Hon'ble High Court of H.P. regarding transfer from GMS Rihri u/c GSSS Dola Kharyana, District Kangra. The case was listed on 03.01.2023, when the same has been disposed of with the following order :-

*" Although, it is a case of individual hardship, but keeping in view the peculiar facts and circumstances of the case, we deem it appropriate to dispose of the petition by giving a direction to respondent No.2 to dispose of the representation (Annexure P-2), moved by the petitioner, expeditiously, in accordance with law, preferably within three weeks from the receipt of the copy of this order. However, this order shall not be treated as precedent in future. Pending miscellaneous application (s, if any, also to stand disposed of.*

*To come up for compliance on 24<sup>th</sup> March, 2023.*

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Madan Lal, TGT(Arts) was called for personal hearing and appeared before the undersigned on 09.02.2023. He has submitted representation vide which he stated that his son is suffering from mental retardation and he has also produced disability certificate of his son issued by the Medical Board Zonal Hospital Dharamshala.

For ready reference provisions contained in Office Memorandum No:Per(AP-B)(B)(7)-1/2010-Vol-II dated 17.9.2015 Comprehensive Guiding Principles 2013--for regulating transfers of officers/officials of the State Government dated 10.7.2013 wherein sub-para 5.6 has been inserted (sub-para 5.5.) was perused which reads as under:-

**Concession to officials having differently abled dependents:-**The Government employee who has disabled child may be exempted from the routine exercise of transfers/rotational transfer subject to the administrative constraints, as far as possible, the word " disabled" includes (i) blindness or low vision(ii) hearing impairment(iii) locomotors disability or cerebral palsy (iv) mental illness and (vii) multiple disabilities.

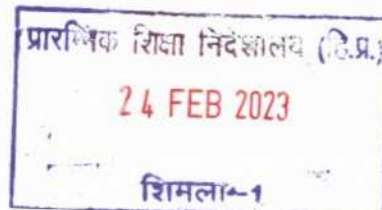
From the perusal of record, it is found that Sh. Madan Lal, Arts) is working at GMS Rihri u/c GSSS Dola Kharyana, District Kangra since 01.09.2021 on regular basis and has not completed normal tenure at his present place of posting. He has given three stations for transfer i.e GSSS Rangas /GSSS Nahlian /GSSS Kutiara (Kangra). At present post of TGT(Arts) is lying vacant at GSSS Nahlain, District Kangra. Therefore, after critical examination and thoughtful application of mind the request made by the petitioner in his representation is considered sympathetically and he is hereby transferred from GMS Rihri u/c GSSS Dola Kharyana, District Kangra to GSSS Nahlian, District Kangra, against vacancy, on medical grounds of his son, without TTA/JT. The representation of the petitioner is disposed of accordingly.

DIRECTOR  
Elementary Education  
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the February, 2023

Copy to the following for information and necessary action please:-

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 2/2023.
2. The Deputy Director of Elementary Education, Kangra at Dharamshala, H.P.
3. The Principal GSSS Dola Kharyana /GSSS Nahlian, District Kangra, H.P.
4. Sh. Madan Lal, TGT (Arts) GMS Rihri u/c GSSS Dola Kharyana, District Kangra,
5. The Nodal Officer (IT ) internal, Directorate of Elementary Education Shimla.
6. The Guard file.



DIRECTOR  
Elementary Education  
Himachal Pradesh, Shimla