

In the matter of: CWP No: 623/2022-Sunita Devi, TGT (Arts) Vs. State of Himachal Pradesh (Regarding Transfer)

ORDER

Smt. Sunita Devi, TGT (Arts) has filed CWP No. 623/2022- before the Hon'ble High Court regarding transfer from GHS Baruhi, Distt. Una. The case was listed on 03.02.2022, when the same has been disposed of with the following directions:-

The instant petition is disposed of by ordering that the respondents concerned shall decide representation of writ petitioner P-3 dated 20.01.2022, within a period of four weeks from today and pass a reasoned order, in accordance with law. However, it is made clear that if the writ petitioner is still aggrieved, she has every right to approach this Court. Pending application (s) if any, also stands disposed of.

In compliance to the orders passed by the Hon'ble High Court of Himachal Pradesh, I have perused representation dated 20.01.2022 carefully wherein the petitioner has stated that her son is 90% specially abled (Mental illness) and fully dependent upon her. She has submitted certificate issued by the Principal Prem Ashram Special School Una in this regard. She has also stated that in-laws are above 85 years old and her husband is doing private job in out of station and it is very difficult to look after her disable son and in-laws .

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 carefully 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.

On the perusal of record, it is found that Smt. Sunita Devi, TGT (Arts) is working in GHS Baruhi, Distt.Una since 28.11.2018 and has completed her normal tenure at the present place of posting. At present post of TGT (Arts) is lying vacant in GSSS Samoor Kalan, Distt.Una.

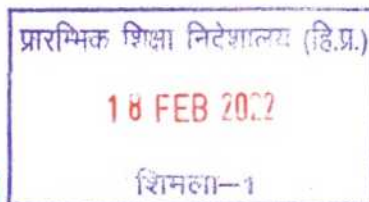
Keeping in view of the above facts and circumstances, petitioner Smt. Sunita Devi, TGT (Arts) is hereby transferred from GHS Baruhi, Distt.Una to GSSS Samoor Kalan, Distt.Una, against vacancy, on medical grounds of her son, without TTA/JT in view of provision contained in 5.5. of Office Memorandum dated 17.9.2015.

Accordingly representation stands decided.

DIRECTOR

Endst. No. EDN-H (2) B (6) 1-18/2022 (A) dated, Shimla-1, the Copy to the following for information and necessary action please:-

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 623/2022.
2. The Deputy Director of Elementary Education, Una, H.P.
3. The Principal GSSS Samoor Kalan (Una) / Headmaster GHS Baruhi (Una).
4. Smt. Sunita Devi, TGT (Arts) GHS Baruhi, Distt.Una.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.



DIRECTOR