

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP No. 16264/2025
Decided on: 15.10.2025**

Pradeep Kumar

...Petitioner

Versus

State of H.P. & Ors.

....Respondents.

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner:

**Mr. Ankit Chandel,
Advocate.**

For the respondents:

**Mr. Y.P.S. Dhaulta, Additional
Advocate General.**

Jyotsna Rewal Dua , J

Notice. Mr. Y.P.S. Dhaulta, learned Additional Advocate General, accepts notice on behalf of the respondents.

2. The petitioner is serving as Head Teacher in the respondents-Education Department. His grievance is to the office order dated 09.10.2025 that transfers him from Government Primary School Chowki Churan, EB Nadaun, District Hamirpur to Government Primary School Dimmi EB Bhoranj, District Hamirpur.

¹ Whether reporters of the local papers may be allowed to see the judgment? yes

3. Learned counsel for the petitioner submitted that the petitioner though has completed about four years of stay at his present place of posting, however, he is suffering from 40% locomotor disability. The said disability will make it difficult for the petitioner to serve at the transferred station, which is at a distance of about 50 kms from his present place of posting. Learned counsel also invited attention to following Clause 5.3 of the applicable Transfer Policy that provided concession to employees suffering from 60% and above physical disability, such employees should be given stations of their choice, 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: -

“Clause No.5.3:- 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.

It is possible that at the time of making postings the information on physical disability is not available because of which a person with physical disability is posted to any inconvenient stations. In order to rule out such eventualities and the resultant hardships to the people with physical disability, the entries about the physical disability should be made in service books, incumbency statements, seniority lists and any other documents relied upon by the department for making transfers and postings.

4. In **Savita Gupta Vs. State of H.P. & Ors.**², it was held that in order to give effect to the provisions of Right of Persons with Disabilities Act, 2016 benchmark disability mentioned in Clause No.5.3 of Office Memorandum dated 10.07.2013 (applicable transfer policy) should be read as 40% as mentioned in the Act and not 60% as is specified in the Office Memorandum dated 10.07.2013. Moreso, when reservation in jobs in the State is given to individuals suffering from disability to the extent of 40%.

5. Learned counsel for the petitioner submitted that the petitioner would be satisfied, in case, he is permitted to make a representation in light of above facts to respondent No.2/competent authority for reconsideration of his transfer case, in accordance with law and in terms of applicable transfer policy. Learned Additional Advocate General has no objection to this prayer.

In view of above, the writ petition is disposed of with liberty reserved to the petitioner to make a representation to respondent No.2/competent authority, within a period of two weeks from today for his adjustment, who shall in turn, consider and decide the same, in accordance with law and in terms of applicable Transfer Policy, within a further period of two weeks thereafter. The order so passed be also communicated to the petitioner. Till such time, the

² CWP No. 6306/2024 decided on 05.07.2024

petitioner is at liberty to avail the leave of kind due. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

15th October, 2025_(rohit)