

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE Mr. RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE JUSTICE Mr. ALOK KUMAR VERMA

WRIT PETITION (S/B) NO. 250 OF 2021

22ND JULY, 2021

BETWEEN:

Ravindra KumarPetitioner.

and

State of Uttarakhand and others.Respondents

Counsel for the petitioner: Ms. Prabha Naithani, Advocate.

Counsel for the respondents: Mr. Vikas Pandey, learned
Standing Counsel for the State of
Uttarakhand.

The Court made the following:

JUDGMENT: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

With the consent of the learned counsel for both the parties, this case is being decided at this stage itself.

2. The petitioner has challenged the legality of the transfer order dated 24.06.2021, passed by respondent No. 2, whereby the petitioner has been transferred from District-Dehradun to District-Bageshwar on a promotional post.

3. Ms. Prabha Naithani, the learned counsel for the petitioner, submits that the petitioner is suffering from backache problems. This is abundantly clear from the report

of the Kailash Hospital, which clearly indicates that the petitioner has mild straightening of lumbar spine. There are degenerative changes in the form of marginal osteophytes, disc desiccation and modic type II endplate changes at multiple levels of lumbar spine. There is also diffuse disc bulge seen at L4-L5 causing mild narrowing of thecal sac (AP canal diameter-12.0 mm) and significant narrowing of bilateral neural foramina. Due to these medical difficulties being suffered by the petitioner, the petitioner continues to suffer both pain and inability to walk in a normal proper gait. Moreover, according to the medical certificate issued by the Government Doon Medical College Hospital, Dehradun, dated 13.07.2021, presently the petitioner is suffering from "Bronchial Asthama". Therefore, he has been advised for bed rest till 25th July, 2021. The learned counsel further submits that in order to highlight the medical difficulties being faced and in order to highlight that he has already completed 58 years, and that he will have difficulty in discharging his duties at Bageshwar, the petitioner has submitted a representation dated 01.07.2021. However, despite the lapse of almost twenty days, the said representation has not been considered. Therefore, she prays that the respondents be directed to consider the petitioner's representation sympathetically and to ensure that he is posted at a place, where it will be easy for him to seek the medical facilities for his spinal problem.

4. On the other hand, Mr. Vikas Pandey, the learned Standing Counsel for the State of Uttarakhand, informs this Court that the respondents will consider the petitioner's representation within a period of one week.

5. Therefore, this Court directs respondent No. 3 to consider the petitioner's representation, dated 01.07.2021, in a sympathetic manner considering the spinal problems being suffered by the petitioner. Till the representation of the petitioner is decided, the petitioner shall not be transferred to District-Bageshwar.

6. With these directions, the petition stands disposed-of.

7. In sequel thereto, pending application, if any, also stands disposed-of.

8. No order as to costs.

(RAGHVENDRA SINGH CHAUHAN, C.J.)

(ALOK KUMAR VERMA, J.)

Dated: 22nd July, 2021

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