

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1739 of 2015**

- Heera Lal Yadav S/o Late Shri Tulsiram Yadav Aged About 47 Years
Occupation- Service Posted As Assistant Grade III At Tahsil Office Baster,
Civil & Revenue Distt. Baster, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Department Of Revenue & Disaster Management, Mantralaya, Mahanadi Bhawan, Capital Complex New Raipur, Distt. Raipur, (Chhattisgarh)
2. Under Secretary Department Of Revenue & Disaster Management, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Distt. Raipur, (Chhattisgarh)
3. Collector, Bastar, Distt. Baster, (Chhattisgarh)

---- Respondents

For Petitioner	:	Dr. Sanjeet Sharma, Advocate
For Respondents-State	:	Shri Bhaskar Payashi, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****15/09/2015**

1. Petitioner is working as Assistant Grade-III and is posted in the Tahsil Office, Bastar. By order dated 11-7-2014, he was transferred to Tahsil Office Bijapur showing as if the petitioner has made request for his transfer to Bijapur. Since the petitioner had not made any request for such transfer, he preferred a representation before the committee of senior Secretaries and the committee recommended for cancellation of transfer, however, despite the same, the representation has been rejected on 8-4-2015.

2. There is no dispute that post of Assistant Grade-III in the district Collectorate is a district cadre post and the seniority of Assistant Grade-III is maintained at the district level. Since Bijapur is a separate district, the committee of senior Secretaries recommended for cancellation of transfer on the ground that inter-district transfer shall affect his seniority and promotion.
3. The order rejecting petitioner's representation has not dealt with the issue on which recommendation was made in his favour by the committee of senior Secretaries.
4. It is settled law that when a transfer order adversely affects the service conditions of an employee, he cannot be sent to a place where he would be adversely affected.
5. Considering the recommendation in favour of the petitioner and also for the reason that the petitioner is continuing at Jagdalpur for the last more than one year, the writ petition is allowed. The impugned order in respect of the petitioner is quashed, however, liberty is reserved in favour of the respondents to pass afresh order, in accordance with State Government's guidelines, if the administrative exigency so arises.

Sd/-
Judge
Prashant Kumar Mishra

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