

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2976 of 2015

- Madnendra Pratap Singh S/o Late R. P. Singh Aged About 61 Years and 5 months, R/o Jarhi, Nagar Panchayat Jarhi, P. S. And Post Surajpur, Civil And Revenue District Surajpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh)
2. Director, Urban Administration And Development, Directorate, New Raipur, District Raipur, (Chhattisgarh)
3. Joint Director, Urban Administration And Development, Regional Office, Chhattisgarh, District Raipur, (Chhattisgarh)
4. Vinod Chandra Gupta, Revenue Inspector, In- Charge Chief Municipal Officer, Nagar Panchayat, Rajpur, District Balrampur- Ramanujganj, (Chhattisgarh)

---- Respondent

For Petitioner	Shri Manoj Paranjpe, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

21/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has assailed the legality and validity of the order dated 04.08.2015, whereby he has been transferred from the post of In-charge Chief Municipal Officer, Nagar Panchayat, Jarhi, District

Surajpur to Nagar Panchayat, Rajpur in the capacity of Assistant Revenue Officer on deputation.

3. Learned counsel for the petitioner would submit that the petitioner shall attend the age of 62 years on 03.03.2016 and thus, he would be retiring at the end of March, 2016. He would submit that since only 6 months remains for his superannuation, the impugned order is not sustainable in view of the State Government's circular providing that ordinarily, a person, who has less than one year of retirement, should not be transferred outside his native district. He would submit that Jarhi is in Surajpur district, which is nearer to Ambikapur than Rajpur, which falls within Balrampur District.
4. Considering the entire facts situation of the case, the writ petition is disposed of with a direction that in the event, the petitioner prefers a representation before the competent authority, within 1 month from today, the said authority shall consider and decide the representation, at the earliest, preferably within a period of 6 months. Till the petitioner's representation is decided, the effect and operation of the impugned order shall remain stayed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala