

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3416 of 2016**

Shyam Lal Diksena S/o Shri Jarhu Ram Diksena, Aged About 56
Years Shthal Sahayak At Water Resource, Sub Division, Pali,
Division Korba District Korba Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Deputy Secretary, Water Resources Department, Mahanadi Bhawan, Raipur, District Raipur Chhattisgarh
2. Engineer In Chief Water Resources Department, Sihawa Bhawan, Raipur, District Raipur Chhattisgarh
3. Chief Engineer, Hasdev Kachhar, Bilaspur District Bilaspur Chhattisgarh
4. Superintendent, Water Resources Division Bilaspur, District Bilaspur Chhattisgarh
5. Sub Divisional Officer, Water Resources Sub Division, Pali, Division Korba, District Korba Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. A.S. Rajput, Advocate.
For State	:	Mr. D.R. Minj, Dy. G.A., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/08/2016**

Heard on admission.

1. Transfer order is under challenge on the ground that in view of provision contained in Clause 2.4 of circular dated 03.06.2015, the petitioner could not be transferred unless there is person posted in his place. The other ground raised by the petitioner is that the petitioner has remained posted in scheduled area since 1991 and now again he is being transferred to a scheduled area whereas he ought to be considered for

posting which is non-scheduled area as per policy dated 03.06.2015 and 11.06.2016.

2. For reasons assigned by this Court in WP(S) No.3410 of 2016 (Santosh Kumar Tripathi Vs. State of Chhattisgarh and another), first ground is not liable to be accepted and is rejected. As far as the second ground is concerned, considering that Pali has been included in the scheduled area, the respondent shall consider petitioner's representation for transferring him to another other place in the State, which is not a scheduled area. Representation has already been preferred by the petitioner, the same shall be decided within a period of four weeks from the date of receipt of copy of this order in accordance with the policy of the State.

3. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E