

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3474 of 2016

Sanjay Kumar Agrawal S/o Shri Lekh Ram Agrawal, Aged About 52 Years Sub Division, Saja, Division Office Bemetara, District Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Ministry, Mahanadi Bhawan, P.S. Rakhi, New Raipur, (Chhattisgarh)
2. Executive Engineer, Water Resources Department, Bemetara, (Chhattisgarh)

---- Respondents

Shri Ajay Shrivastava, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State / respondents on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/08/2016

Heard.

1. The transfer order is under challenge on two grounds.

Firstly, the petitioner has earlier worked in the tribal area for about six years between the period from 1988 to 1994. Therefore, he cannot be again posted in the tribal area. The other ground of challenge is that the wife of the petitioner is posted at Balod as Lecturer Panchayat, which is nearby to the present place of posting of the petitioner. By impugned order, the petitioner is being sent to a distant place in District – Bijapur. None of the grounds raised by the petitioner pertains to illegality in the transfer order.

2. Circular (Annexure P/6) cannot be understood to mean that once an officer is posted in tribal area, he could never be again posted. The petitioner remained posted in tribal area from 1988 to 1994. That means, for the last 22 years, he has remained posted outside the tribal area. There is no impediment in transferring a Government servant from one area to another area, tribal or non-tribal. It is for

the transferring authority to look into the matter and not the Court.

3. The other ground that the petitioner and his wife has been posted in a nearby place and by impugned order, the petitioner would be posted at far off place, this matter requires consideration by the authorities whether the wife of the petitioner could also adjusted at or nearby place where the petitioner has been posted.

4. It is found that the petitioner has not filed any representation and rushed to this Court. In case, the petitioner files representation within 10 days from today, the competent authority shall consider whether the petitioner and his wife could be posted, subject to administrative exigency, to a place at nearby station. The decision should be taken on the representation within a period of four weeks.

5. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge