

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3574 of 2016

Athnash Ekka S/o Late Marshel Ekka, Aged About 58 Years Upper Divisional Forest Officer, Gandai Forest Division Khairagarh, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mahanadi Bhavan, Mantralaya, New Raipur District Raipur Chhattisgarh
2. Range Officer, Gandai, Forest Division Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondents

Shri H.B.Agrawal, senior counsel along with Ms. Meera Jaiswal, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/08/2016

The petitioner has challenged the transfer order mainly on the ground that ever since 1992 till 2014, the petitioner remained posted in scheduled area at different places and vide order dated 28/02/2014, he was transferred from Antagarh scheduled area to Khairagarh and now again, he is being transferred to scheduled area.

2. Considering the Government policy that where the officers have served in scheduled area, they are required to be considered for posting outside the scheduled area, the case of the petitioner is required to be considered by the transferring authority.

3. It is quite surprising that an officer, who has served in scheduled area from 1992 to 2014, was given posting outside the scheduled area only for two years and he is being again sent to scheduled area. This is a matter of serious consideration by the transferring authority.

4. It is found that the petitioner has not preferred representation and directly filed this petition. In these circumstances, this petition is disposed off with a direction that in case, the petitioner makes representation within 10 days from today, the same shall be decided by the transferring authority within a period of four weeks to explore possibility to post the petitioner to any non-scheduled area.

For a period of five weeks, no coercive steps shall be taken against the petitioner.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Deepti