

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3732 of 2016**

Rukam Singh Tomar S/o Shri Hawaldar Singh Tomar, Aged About 54 Years Senior Horticulture Development Officer, At Govt. Garden, Anjoripali, Police Station And Block Kharsiya, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Under Secretary, Department Of Agriculture And Bio Technology, Mahanadi Bhavan Mantralaya, New Raipur (Chhattisgarh)
2. Director, Horticultur, Directorate, Indrawati Bhavan, 2nd Floor, Naya Raipur, District Raipur (Chhattisgarh)
3. Assistant Director, Horticulture, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. A.S. Rajput, Advocate.
For Respondents-State	:	Mr. Dhiraj Wankhede, Government Advocate.

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****19/08/2016**

Heard.

1. The transfer order is under challenge on the ground that the petitioner has continuously remained posted in scheduled area ever since 1996 i.e. for last 20 years, but he has now again been transferred to core scheduled area, which is in violation of Clause 2.1 of the transfer policy of the State Government dated 3.6.2015, which says that if the officer has remained posted in scheduled area for three years, then he shall be considered for posting in non-scheduled area.
2. The details which has been placed before this Court as well as the submission of learned counsel for the petitioner, prima facie shows that the

petitioner has remained posted in scheduled area since 1996 continuously, therefore, his case requires consideration for posting him outside the scheduled area as per Clause 2.1 of the transfer policy dated 3.6.2015.

3. It is found that the petitioner has not been preferred any representation and straightaway rushed to this Court by filing instant writ petition. Therefore, he may file representation before the competent authority within a period of ten days from today and the competent authority shall consider and decide his representation in accordance with transfer policy dated 3.6.2015 within a period of four weeks from the date of filing of the representation.

4. For a period of five weeks, no coercive steps shall be taken against the petitioner to compel him for joining at the transferred place subject to no one joined at the present place.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge