

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.3406 of 2016**

- Dr. Anjani Kumar Pandey S/o Shri Ram Bhuwan Pandey, Aged About 55 Years
Occupation Assistant Veterinary Surgeon, Govt. Poultry Farm, Baikunthpur,
District Koriya Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Animal Husbandry & Veterinary Services Mahanadi Bhavan, Mantralaya, New Raipur District Raipur Chhattisgarh
2. The Additional Secretary, Department Of Animal Husbandry & Veterinary Services, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
3. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III Ground Floor, Naya Raipur, Tahsil & District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Anand Shukla, Advocate
For Respondent/State	:	Shri Dhiraj Wankhede, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/08/2016**

Heard.

2. The impugned transfer order dated 25-07-2016 has been challenged on three grounds. Firstly that the petitioner has been transferred from scheduled area to scheduled area, therefore, as per clause 2.4 of the transfer policy, there has to be a person posted in the place of the petitioner, otherwise the transfer order has to be treated as void. Secondly, the petitioner has been working in the scheduled area for last 25 years, but he has now again been transferred to scheduled area, which is in violation of clause 2.1 of the transfer policy which says that if the officer has remained posted in scheduled area for three years, then he shall be considered for posting in the non-scheduled area. Thirdly, the parents of the petitioner are old aged and if he is transferred, his family would suffer a lot.

3. On the other hand, learned State counsel submits that clause 2.4 of the transfer policy would be applicable only in cases where an officer is transferred from scheduled

area to non-scheduled area and not when he is transferred from scheduled area to scheduled area. Next contention is that the matter relates to consideration of posting to non-tribal area, for which, the petitioner may prefer representation. As far as third ground is concerned, it is submitted that the personal grounds are not amenable to writ jurisdiction.

4. Having heard learned counsel for the parties, I find that as far as clause 2.4 of the transfer policy is concerned, the provision is applicable only when officer is transferred from scheduled to non-scheduled area. The contention of learned counsel for the petitioner that even in case, where transfer is made from scheduled area to scheduled area, reliever has to be there, cannot be accepted because it is not there in the policy. Clause 2.4 has to be read together not in parts.

Personal grounds raised in the petition do not warrant indulgence by this Court but these grounds can be raised before the competent authority.

5. However, the ground that the petitioner has remained posted in the scheduled area for the last 25 years, therefore, he should be considered for posting outside the scheduled area, requires consideration, because the petitioner has remained posted in the scheduled area for last 25 years.

6. The petitioner has also preferred representation. That representation be considered and decided by the transferring authority/Committee within a period of four weeks from the date of receipt of a copy of this order. For a period of four weeks, coercive steps shall not be taken against the petitioner to comply with the order. However, posting of the petitioner in a non-scheduled area shall be considered by the competent authority positively within a period of four weeks and order shall be passed. Protective umbrella shall be available only if this order is placed before the transferring authority within 10 days from today.

7. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge