

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4198 of 2016**

L. K. Nirwan S/o Late Shri D.R. Nirwan, Aged About 56 Years R/o Block Colony,
Fingeshwar, P.S. & Tahsil Fingeshwar, District Gariyanband Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Panchayat Indrawati Bhavan, New Raipur, District Raipur Chhattisgarh
3. Chief Engineer, Rural Engineering Service, Development, Commissioner Office, Raipur, District Raipur Chhattisgarh
4. Executive Engineer, Rural Engineering Service Division, Gariyaband District Gariyaband Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajnish Singh Bhaghel, Advocate
For Respondent-State	:	Mr. Shangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****30/08/2016**

Heard.

1. The transfer order is under challenge on three grounds:
 - (i) The petitioner having served for a long time in the scheduled area, thereafter, he was posted in the non-scheduled area for a short period, and about one and half year, he has been again transferred in the scheduled area.
 - (ii) The petitioner has some ailment, for which, he is receiving medical treatment at Raipur and he has been transferred from the post of Incharge Assistant Engineer, R.E.S., Sub Division Fingeshwar, District Gariyaband

(C.G.) to the post of Sub Engineer R.E.S. Sub Division Surajpur, District Surajpur (C.G.).

(iii) The petitioner may have some difficulty to receive proper treatment because his treatment was going on at Raipur.

2. According to the present transfer policy, the Government servant can be transferred if he has completed one year of posting at any place. Though, the petitioner states that he has served in the scheduled area for a long time but the period of posting in scheduled area has not been mentioned, therefore, there is no violation of specific guidelines in transferring the petitioner from Gariyaband District to Surajpur District.

3. However, as far as medical ground is concerned, this aspect may be considered by the transferring authority. In this regard, an assessment may be made by the transferring authority.

4. It is found that the petitioner has already made a representation before the transferring authority. The transferring authority may consider and decide his representation specifically on the ground of ailment and possibility may be explored to post the petitioner in some other station keeping in view the need of medical treatment, which the petitioner claims. The decision shall be taken by the transferring authority within a period of four weeks from today.

5. For a period of four weeks, no coercive steps shall be taken against the petitioner to compel him to join at the transferred place, provided that no one has joined at the place of posting of the petitioner.

6. With the aforesaid observation, the petition stands finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge