

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4329 of 2016**

- Manrakhu Sai Paikara S/o Late Kadam Sai, Aged About 59 Years Food Officer, Korla, District Korla At Baikunthpur (Chhattisgarh), Civil And Revenue District Korla, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: The Secretary, Food And Civil Supplies Department, Mahanadi Bhawan, Naya Raipur, And District Raipur, (Chhattisgarh)
2. Director, Food And Civil Supplies, Indravati Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. U. S. Kharsan, Assistant Food Officer, Surajpur, District Surajpur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. A.K. Prasad, Advocate
For State	:	Mr. S.P. Kale, Dy. Advocate General on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06/09/2016**

Heard.

1. The impugned transfer order dated 30.07.2016 has been challenged on the ground that though the petitioner remain posted in scheduled area continuously for about 25 years, this time again the petitioner has been transferred to another scheduled area without considering his case for transfer to any other station outside the scheduled area, which is in violation of clause 2.1 of the circular dated 03.06.2015. The other ground is that the petitioner is suffering from kidney ailment and in connection with it, he has to frequently visit to Nadiad (Gujarat).
2. As far as medical ground is concerned, it is found that whether the petitioner is posted at scheduled area or at non-scheduled area, in terms of access of medical treatment, it will not amount to any change.

3. 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.
4. 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.
5. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge