

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 4732 of 2016**

N.K. Sur S/o N.G. Sur, Aged About 56 Years Occupation Assistant Mining Officer District Office Korba, District Korba Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through its Secretary Department Of Home, Mahanadi Bhawan New Raipur, Chhattisgarh.
2. Under Secretary, Mineral And Resources Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
3. Assistant Director Mineral Administration, Office Of Collector, Korba Chhattisgarh

**---- Respondents**

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|----------------|---|--------------------------------------------|
| For Petitioner | : | Shri Shakti Singh Rajput, Advocate         |
| For State      | : | Shri Gary Mukhopadhyay, Dy. Govt. Advocate |

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**S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**14/09/2016**

Heard.

1. Transfer order is under challenge on the ground that as per policy dated 3.6.2015, a Govt. servant who has remained posted in the scheduled area may not be disturbed if he/she is willing to continue unless there is a complaint. It is submitted that there are no complaint against the petitioner. The second ground of challenge is that according to Govt. policy, in the scheduled area unless there is a reliever, the employee/officer cannot be transferred and such transfer shall be treated as void.
2. As far as second ground is concerned, in view of the judicial pronouncement

of this Court in the case of **Ms. Manisha Agrawal Vs. State of Chhattisgarh and Others, 2015(4) C.G.L.J.182**, the petitioner is not entitled to any relief on that count that in his place nobody has been posted. It does not adversely affect the case of the petitioner. The other ground that if an employee/officer has expressed his willingness to continue in the scheduled area, may require consideration by the State whether the petitioner should be allowed to continue or because of any overriding administrative exigency the posting at Raipur has become necessary. This aspect may be considered by respondent competent authority within a period of 4 weeks.

For a period of 4 weeks, no coercive steps shall be taken against the petitioner.

3. The benefit of this order shall ensue to the petitioner only when the petitioner submits a certified copy of this order before respondent No.1 within a period of 10 days from today.
4. With the observation and direction as above, the petition is finally disposed off.

Sd/-  
(**Manindra Mohan Shrivastava**)  
Judge