

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4888 of 2016

- Shyam Babu Dhruw S/o Late Sukhu Ram Dhruw, Aged About 53 Years Occupation Mukhya Pahri, Posted In Central Jail Ambikapur, District Surguja, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Jail Superintendent Central Jial Ambikapur, District Surguja, (Chhattisgarh)
3. Jail Director, Jail And Sudharatmak Sevaye, Raipur, District Raipur, (Chhattisgarh)
4. Jail Head Office, Chhattisgarh, Raipur, District Raipur, (Chhattisgarh)
5. Office Of Superintendent Sub Jail Sukma, District South Bastar, Now The District Sukma, (Chhattisgarh)

---- Respondents

For Applicant : Mr. Basant Kaiwartya, Advocate
For State / Respondent : Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/09/2016

Heard.

1. The transfer order has been challenged on the ground that the petitioner has continuously remained posted in the scheduled area for the last 9 years and now the petitioner is being transferred to another scheduled area.
2. Learned counsel for the petitioner submits that in view of provisions contained in circular dated 03.06.2015, where an employee has completed normal tenure of posting in scheduled area or core scheduled area is entitled for posting outside the scheduled area.
3. The policy of sending an officer to an area outside the scheduled area requires consideration subject to exigency of service. The petitioner seems to be working in the post of *Mukhya Pahri* in the central jail, Ambikapur and now he has been transferred to Sukma.

4. Nevertheless, representation of the petitioner may be considered by the transferring authority within a period of six weeks as to whether, subject to administrative exigency, the petitioner shall be posted outside the scheduled area on the ground that he has continuously remained posted in the scheduled area for the last 9 years.
5. With the said observation, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra