

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4892 of 2016

- Lakhan Lal Ahirwar S/o Shri Gangadeen Ahirwar, Aged About 53 Years Working As Vanpal, In Mndna Kashtagar, Pendraroad, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through : Secretary, Department Of Forest Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
- Principal Chief Conservator Of Forest, Raipur, Chhattisgarh
- Chief Conservator Of Forest, Bilaspur, Circle, Bilaspur (Chhattisgarh)
- Division Forest Officer, Forest Division Marwahi, Pendraroad, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Neeraj Choubey, Advocates
For Respondent/State	:	Shri D. R. Minz, Dy.GA

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

Order On Board

23/12/2016

Heard.

2. Transfer order has been challenged before this Court on the ground that it is ante-dated and other ground of challenge is that the petitioner had foregone his transfer in the month of December, 2015. However, eight months thereafter, impugned order has been passed, by which, the petitioner is now transferred from Pendra Road to Chaitma. Transfer order has also been challenged on the ground that the transfer order has been issued in the month of August and his daughter is studying in Class 12th and if he is transferred, study of his daughter will be adversely affected.

3. Looking to the allegations made by the petitioner, this Court had directed the State counsel to produce before the Court the original records and file relating to

transfer. Records have been perused and it has been found that the transfer was proposed and signed by the Secretary as well as by the Minister In-charge on 30-07-2016 and on that date itself, it has been put to dispatch under Dispatch No.1357/1357-A/201/10/03/01, therefore, the allegations made by the petitioner appears to be false. The petitioner, without any basis, has made this wild allegation. The other ground that the wife of the petitioner is suffering from Asthma does not appear to be of such a nature that the petitioner should be allowed to continue at the present place of posting. The third ground that the daughter of the petitioner is studying in Class 12th, is a matter of consideration by the State authorities as to whether the petitioner should be allowed to continue at the present place of posting or not, till the end of educational session, and/or the government quarter occupied by the petitioner at Pendra Road is permitted to occupy the same till examination is over.

4. For this purpose, the petitioner may prefer representation to the competent authority, who shall consider and decide the same as early as possible preferably within a period of three weeks.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge