

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4949 of 2016**

M. D. Bandhare S/o Tularam Bandhare, Aged About 60 Years Occupation Service, R/o Village Bhalu Konha, Police Station Ghumka, Tahsil Civil & Revenue District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Health & Engineering Department, Mahanadi Bhawan New Mantralaya Raipur, Police Station Kewli, Tahsil Civil & Revenue District Raipur Chhattisgarh
2. Under Secretary, Public Health & Engineering Department, Mahanadi Bhawan New Mantralaya Raipur Police Station Kewli, Tahsil Civil & Revenue District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ratnesh Kumar Agrawal, Advocate
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****21/09/2016**

Heard.

1. The transfer order is under challenge on the ground that the petitioner has been transferred very frequently.
2. The petitioner is Class-IV employee and vide order dated 24/07/2015, the petitioner was transferred from Jewara Sirsa Headquarter to Sankara Headquarter, which is about 60 - 70 Kms. In compliance of the said order, he joined his services at new place of posting on 01/08/2015, but within a short

period of one year, he has again been transferred by the State Government to another District vide impugned order dated 29/07/2016.

3. The transfer policy protects transfer of an employee for the normal period of one year of stay at one station. The State Government, in the present case, has transferred the employee within a period of one year from joining at a particular station. However, it is seen that the petitioner had joined his services only on 01/08/2015. It is also seen that the petitioner is Class-IV employee and once he was transferred from one station to another station in the month of July 2015, he has been again transferred to new station in July-2016, which is about 400 Kms. away from the present place. This requires consideration by the respondents as to whether the petitioner should be allowed to continue at the present place.

4. Considering the fact that, the petitioner has been transferred to a far place from the present place of posting, the respondents may explore the possibility to continue the petitioner at present place subject to administrative exigency. Unless, there is an acute exigency rendering it extremely necessary to shift an employee within a short period, frequent transfer may result in serious hardship. The petitioner's case may be considered particularly taking into consideration the fact that he is Class-IV employee and the decision should be taken within a period of six weeks by the respondents authority.

5. Considering the circumstances, it is directed that if the petitioner prefers fresh representation within a period of three weeks from today before the transferring authority, his representation should be considered and decided by the transferring authority within a period of six weeks from the date of filing of the representation.

6. For a period of nine weeks, no coercive steps shall be taken against the petitioner.
7. If the representation is not filed by the petitioner within a period of three weeks, the protective umbrella shall loose its efficacy.
8. With the aforesaid directions, the petition stands finally disposed of.

Sd/-

(Manindra Mohan Shrivastava)
Judge