

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 6932 of 2016**

Devkumar Kuril S/o Shri Rohit Kuril, Aged About 27 Years Occupation Asst. Grade III, Working Under The Office Of Deputy Director, Udanti Seetanadi, Tiger Reserve, Gariyaband, District Gariyaband, (Chhattisgarh)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, New Mantralaya, Raipur, (Chhattisgarh)
2. The Principal Chief Conservator Of Forest, ( Wild Life), Jail Road, Aranya Bhawan, Raipur, District Raipur (Chhattisgarh)
3. Chief Conservator Of Forest, ( Wild Life) And Field Director, Udanti Seetanadi, Tiger Reserve, Raipur, District Raipur (Chhattisgarh)
4. Deputy Director, Udanti Seetanadi Tiger Reserve, Gariyaband, District Gariyaband, (Chhattisgarh)
5. The Collector, Gariyaband, District Gariyaband, (Chhattisgarh)

**---- Respondents**

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Shri Prakash Tiwari, counsel for the petitioner/s.  
Shri B.Gopakumar, Dy.A.G for the State on advance copy.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**21/12/2016**

The petitioner has approached this Court to seek intervention because despite recommendation made by the Divisional Forest Officer and Chief Conservator of Forest to the Principal Chief Conservator of Forest for cancellation of transfer of the petitioner, no decision has been taken by respondent No.2 and the petitioner is apprehending that now coercive steps may be taken against him to relieve.

2. Learned counsel for the petitioner submits that while the petitioner was continuing as Assistant Grade III in the office of Deputy Director, Udanti-Seetanadi, Tiger Reserve, Gariyaband, the impugned transfer order has been passed by the

State Government on 30/07/2016. The Deputy Director recommended to the Chief Conservator of Forest that petitioner's services are required and he is the only employee available and no one has been posted in his place and that it is not possible to relieve him and his transfer may be cancelled so that the official work may not be adversely affected. After memo dated 17/08/2016, the Chief Conservator of Forest vide his memo dated 23/08/2016 again recommended the case of the petitioner along with the case of many other employees to the Principal, Chief Conservator of Forest for cancellation of transfer. The petitioner was not relieved and he continued. It is submitted that till date, no decision has been taken by the Principal, Chief Conservator of Forest in the matter nor the petitioner has come to know of any order passed by the State Government or the Principal, Chief Conservator of Forest. It is submitted that the petitioner is not relieved and is continuing at the present place. It is stated that under the policy dated 06/06/2015 of the Principal, Chief Conservator of Forest, Chhattisgarh, clerical grade employees ordinarily should not be transferred from one circle to other circle without completion of five years. The petitioner has been working at the present place since 23/07/2015. Therefore, even according to this policy, he ought not to have been transferred.

3. After considering the submission and going through the documents on record, I find that the transfer order issued by the State Government is contrary to the policy as stated by the Deputy Director and the Chief Conservator of Forest. The recommendations made by those authorities have substance because it is these authorities who are required to take work and no ground of exigency in sending the petitioner is mentioned in the transfer order.

The petitioner is not relieved till date. It would be proper that the Principal Chief Conservator of Forest examines the matter and make appropriate recommendation to the State Government in the transfer matter of the petitioner. Until appropriate decision is taken and communicated in writing to the Deputy Director, Udanti-Seetanadi, Tiger Reserve, Gariyaband, the petitioner shall not be relieved and allowed to continue at the present place.

4. The petition is accordingly finally disposed off.

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