

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6987 of 2016

Manish Kumar Mishra S/o Shri Pekhanlal Mishra, Aged About 33 Years R/o Ward No 19, Bazarpara, Bemetara, Police Station & Distirct Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Police Station New Raipur, Tahsil Raipur, Civil & Revenue District Raipur Chhattisgarh
2. Director, Urban Administration and Development Department, Directorate Indrawati Bhawan, Police Station New Raipur, Tahsil Raipur, Civil & Revenue District Raipur Chhattisgarh
3. Nagar Panchayat, Gunderdehi, Through Chief Municipal Officer, Gunderdehi, Police Station Gunderdehi, District Balod Chhattisgarh
4. Nagar Palika, Bemetara Through Chief Municipal Office, Bemetara Police Station & District Bemetara Chhattisgarh

---- Respondents

Shri Vaibhav A. Goverdhan, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/12/2016

The impugned transfer order dated 23/11/2016 is under challenge on following grounds -

- a) That the resolution has been passed by the Nagar Panchayat, Gunderdehi and the same is under consideration with Nagar Palika, Bemetara for absorption of the petitioner in Nagar Palika, Bemetara. Before the matter could be sent to the Government for consideration of absorption on the basis of the resolution, the petitioner has been transferred by the State Government which would adversely affect consideration of his absorption.

- b. That petitioner's mother is suffering from illness.
 - c. That it is the mid session and the transfer will affect studies of his child.
2. As far as first ground is concerned, it is not a case that the Government has approved absorption of the petitioner in Nagar Palika, Bemetara. The issue with regard to absorption is to be decided by the State Government and in any case, transfer of the petitioner would not affect absorption of the petitioner, as and when it reaches to the Government.
3. The ground of illness of his mother and studies of his child are not such that upon his transfer, serious hardship will cause to him. However, it would be open for the petitioner to prefer representation on the ground of personal difficulties to the State Government. If the representation is preferred by the petitioner, the same shall be decided by the authorities within a period of four weeks from the date of submission of representation.
4. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge