

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4584 of 2016

Alok Kumar Yadav S/o Late Uma Shankar, Aged About 28 Years Posted As Assistant Grade Ill, Posted At Govt. Girls Higher Secondary School Gorhi, Block Tamnar, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. The Collector, Raigarh, District Raigarh Chhattisgarh
3. District Education Officer, Raigarh Chhattisgarh
4. Block Education Officer, Block Tamnar, Distirct Raigarh Chhattisgarh

---- Respondents

Shri Kamlesh Kumar Pandey, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/09/2016

The transfer order is under challenge on the ground that though the petitioner has submitted his application for transfer on his own expenses to Kharsiya on personal grounds, he has been transferred in the Block Office at Tamnar. Therefore, it should not have been treated as transfer on his own request.

2. It appears that the petitioner was posted in the school at Gorhi, Block Tamnar wherefrom he has been brought to the Block Education Office, Tamnar. The petitioner has remained posted at the present place for two years, therefore, he had become due for transfer under the policy. However, if the petitioner has been transferred to another place other than the place which he has requested, it should not be treated as transfer on his own expenses but only on administrative exigency, so that the petitioner may be entitled to T.A. and D.A.

3. Accordingly, the respondents shall consider this aspect and modify the order to treat the transfer of the petitioner not on his request but on administrative exigency. The petitioner shall not be relieved from the present place of posting unless he is provided with T.A. and D.A.

4. The petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge