

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4249 of 2016

Dr. A. L. Jawalkar S/o Shri R.L. Jawalkar, Aged About 57 Years R/o
Sec 2 Qr No 25, Ekta Nagra P.S. Gudhiyari, Raipur Tah & District
Raipur Chhattisgarh C.H.C. Birgaon, P.S. Khamtarai District Raipur
Chhattisgarh

---- **Petitioner**

Versus

State Of Chhattisgarh Through Secretary, Health & Family Welfare,
Mantralaya Mahandi Bhavan, New Raipur, Police Station Rakkhi,
District Raipur Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Raj Kumar Gupta, Advocate.
For State	:	Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2016

Heard on admission.

1. The petitioner has filed this petition challenging the transfer order mainly on the statement that the petitioner had applied for his transfer on his own request to a place Kochway in District Gariyaband but instead of giving him posting in Kochway, the petitioner has been posted at Mainpur in the District Gariyaband. He submits that in such case, the petitioner could not be treated as having been transferred on his own request.

2. The petitioner can be treated as having been transferred on his own request only when he is transferred to a place for which, he has requested. However, if his request is not being acceded but he has been transferred to some other place, it should not be treated as transfer at the request of the petitioner. This aspect is required to be considered by the respondents and a decision has to be taken in the matter. In case, it is found that the administrative exigency requires transfer, the transfer order is required to be suitably amended and the petitioner is entitled to proper TA and DA. The

decision should be taken within a period of four weeks from the date of receipt of copy of this order. Unless the petitioner is provided TA and DA, he should not be compelled to proceed on transfer.

3. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E

Rekha