

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4199 of 2016

Mansoor Ahmad Khan S/o Late G.M. Khan, Aged About 60 Years Working As
Ranger, Bhopalpatanam Division Bijapur, District Bijapur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Forest Department, Mantralaya,
Mahandi Bhawan, Naya Raiur, District Raipur Chhattisgarh
2. Chief Conservator Of Forest, Raipur Chhattisgarh
3. Divisional Forest Officer, Bijapur, District Bijapur Chhattisgarh

---- Respondents

For Petitioner	:	Shri CJK Rao, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2016

Heard.

1. The transfer order passed on 30th July, 2016 is under challenge in this petition on the ground that the petitioner was earlier sought to be transferred in the month of January, 2016 from Bhopalpatnam to Durg, which was challenged by filing a petition. This Court had disposed off the matter with a direction to consider representation of the petitioner. Thereafter, the Government considered his representation and a memo was issued on 9.5.2016 to the DFO, Bijapur to consider the petitioner to continue under local arrangement and send proposal and thereafter a memo was issued on 20th June, 2016 to take appropriate steps to continue the petitioner at Bhopalpatnam because the officer who was to join at petitioner's place, retired on 30th April, 2016. However, thereafter, impugned order of transfer has been passed.

2. Learned counsel for the petitioner submits that the petitioner is a heart patient and requires treatment at Visakhapatnam. He is going to retire in a short period of one year, in the month of September, 2017 and there is recommendation now made by the DFO on 24.9.2016. Therefore, in these circumstances, the impugned order of transfer may be set aside.
3. On the other hand, learned counsel for the State, referring to the averments made in the return, submits that the petitioner is mostly remaining on leave and from April, 2016 to September, 2016, he has only been availing leave. Bhopalpatnam is a sensitive place, because it is the place wherefrom smuggling of timber takes place and as the petitioner is not at all discharging his duties because of his own problem and illness, it has become necessary to shift and post some other officer in place of the petitioner. The administrative exigency stated by the State is sufficient to demonstrate the reason why the petitioner has been subjected to transfer. The petitioner cannot claim, as of right, to continue at Bhopalpatnam.
4. The other issue is with regard to petitioner's difficulty that the petitioner requires to go to Visakhapatnam for seeking his treatment. I do not find that posting at Bhopalpatnam or Sukma will make any difference in getting treatment at Visakhapatnam.
5. Therefore, in these circumstances, this Court is not inclined to interfere with the transfer order. However, it would always be open to the Government to consider whether the petitioner should be accommodated at any other place.
6. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge