

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3060 of 2016

T.S. Parihar S/o. Late M. S. Parihar, Aged About 62 Years Post Assistant Engineer, Water Resources Development Department, Nagri, Presently Posted As Sub Divisional Officer, Water Resource Department, Sub Division Nagri, District Dhamtari, R/o. Near Bus Stand, Nagri, District Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resource Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (Chhattisgarh)
2. Collector, District Dhamtari (Chhattisgarh)
3. Deputy Secretary, Water Resource Development Department, Mantralaya Naya Raipur, Chhattisgarh.

---- Respondents

Shri Kishore Bhaduri and Shri Pawan Kesharwani, counsel for the petitioner/s.
Shri Gary Mukhopadhyaya, Dy.G.A. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/07/2016

Transfer order dated 13/07/2016 (Annexure P/1) is under challenge by the petitioner on the ground of violation of Government's policy with regard to transfer of an employee who has less than one year left for his retirement.

2. Learned counsel for the petitioner submits that the petitioner is going to retire on 09/03/2017. As per clause 2.10 of the Transfer Policy dated 11/06/2016 (Annexure P/6), in such a case, an employee may be transferred either to his home district or to a place of his option. In this petition, it has been submitted that as the petitioner had an unblemished career record, he has been awarded promotion only on 01/05/2014.

3. The grounds raised by the petitioner requires consideration by the concerned authority for consideration of posting of the petitioner either in his home district or at a place of his option. The petitioner has been transferred

outside his home district. However, I find that the petitioner has not preferred any representation and the petition has been filed before this Court. Therefore, in these circumstances, proper course of action would be to allow the petitioner to prefer representation and direct respondent No.1 to consider petitioner's representation within a period of four weeks from the date of receipt of copy of the same.

4. With the aforesaid observations, this petition is disposed off with a direction that if representation is filed before respondent No.1 within 10 days from today, respondent No.1 shall decide the representation within a period of four weeks. For a period of five weeks, no coercive steps shall be taken against the petitioner.

5. Certified copy today.

Sd/-
(Manindra Mohan Shrivastava)
Judge