

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3101 OF 2016**

T. L. Tumrali, S/o Murari Lal Tumrali, aged about 61 years, Occupation Tahsildar, R/o Pendra, Behind High School, Pendra, Tahsil Pendra, District Bilaspur, C.G.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary Department of Revenue & Disaster Management, Mahanadi Bhawan, Naya Raipur, C.G.
2. Collector, District Bilaspur, C.G.

---Respondents

For Petitioner	:	Mr. Hemant Gupta, Advocate
For Respondents/State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate, on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****22/07/2016**

Heard on admission.

1. This petition has been filed by the petitioner assailing correctness and validity of transfer order dated 29/06/2016 mainly on two grounds, as below:-

(a) that the petitioner has been subjected to frequent transfer from July, 2015 to 29/06/2016.

(b) that the petitioner has been transferred as many as five occasions.

2. Learned counsel for the petitioner submits that the petitioner is going to retire in the month of June, 2017. According to the Clause 2.10 of the latest policy of the State Government promulgated on 11/06/2016, when a Government servant is going to retire within one year of his service, subject

to administrative exigency, he may be either transferred to home District or to a place of posting of his own choice.

3. It appears that from July, 2015 to June, 2016, the petitioner has been transferred as many as five occasions. Unless there is an acute exigency rendering it extremely necessary to shift an employee within a short period of five months, frequent transfers may result in serious hardship.

4. As far as other ground of violation of transfer policy is concerned, though petitioner is going to retire within one year of his service, it is found that the petitioner's home District is Mandla, which is in the State of Madhya Pradesh and not in the State of Chhattisgarh. However, the policy that in such cases, option may be taken, requires consideration.

5. It is to be borne in mind that the transfer should be made keeping in view the public interest and administrative exigency. The transferring authority shall consider and decide petitioner's representation on aforesaid two aspects of frequent transfer and option of the petitioner.

6. It is found that the petitioner has not filed any representation but rushed to file this petition.

7. Considering the circumstances, it is directed that if the petitioner submits representation within a period of 15 days from today before the transferring authority, his representation should be considered and decided by the transferring authority within a period of three weeks from the date of filing of the representation.

8. For a period of five weeks, no coercive steps shall be taken against the petitioner.

9. If the representation is not filed by the petitioner within a period of

10 days, the protective umbrella shall loose its efficacy.

10. With the aforesaid observation, the petition stands finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Tiwari