

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3410 of 2016**

Santosh Kumar Tripathi S/o Shri Ram Sampath Tripathi, Aged About 61 Years Occupation Service Working As Cooperative Inspector In The Office Of Assistant Registrar, Cooperative Societies Koriya, R/o Near Gandhi Chowk, Police Station Baikunthpur, District Koriya Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Cooperative, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. Registrar Cooperative, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinay Pandey, Advocate
For State	:	Mr. D.R. Minj, Dy. G.A., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/08/2016**

Heard.

1. The transfer order is under challenge on the ground that in view of provision contained in Clause 2.4 of Circular dated 03.06.2015, the transfer order is void because no one has been posted in place of the petitioner. The second ground is that as the petitioner has served in scheduled area for four years, he ought not to be sent to core scheduled area. In addition, his personal ground like illness of the wife and that the petitioner will be retiring within a short period of 1 ½ years.

2. As far as the first ground is concerned, I would hasten to add that on bare reading of clause 2.4 of circular dated 03.06.2015, it is applicable only in the eventuality an officer is transferred from scheduled area to non-scheduled area and not when transfer is from scheduled area to scheduled

area/ core scheduled area.

3. The transfer policy in terms does not say that if an officer has served for four years, he should necessarily be posted outside the scheduled area. This is available only in the case where officer has been posted for the first time in the scheduled area as provided in clause 1.3 of Circular dated 03.06.2015.

4. The benefit that in case, a Government employee is going to retire within a period of less than one year, he may be considered for posting in his home district or a place of his option, also is not applicable because to the ill-luck of the petitioner, he is going to retire after 1 ½ years.

5. Therefore, these grounds cannot be made a basis to seek interference by a writ Court. Nevertheless, the petitioner states that he has some personal difficulty which he can agitate before the competent authority and if the representation is made, the same shall be considered and decided within a period of four weeks from the date of receipt of representation.

6. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E