

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3517 OF 2016**

Ramgopal Kunjam S/o Punaoram, Aged About 58 Years R/o Mulmula, Forest Division, South Kondagaon, Police Station And Post Kondagaon, Civil And Revenue District Kondagaon, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh , Through: Chief Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh
2. Divisional Forest Officer, South Kondagaon, Forest Division Kondagaon, District Kondagaon, Chhattisgarh
3. Chief Conservator Of Forest, Kanker Circle, Kanker, District Kanker, Chhattisgarh
4. Divisional Forest Officer, Kanker, District Kanker, Chhattisgarh
5. Mata Prasad Nag, Range Officer, Bijapur, Forest Range Bijapur, District Bijapur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For Respondent-State	:	Mr. Dheeraj Wankhede, Govt. Advocate, on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

09/08/2016

Heard on admission.

1. The transfer order of the petitioner is challenged on the ground that the petitioner has already remained in tribal area for last 15 years and now he has been transferred from tribal are to core tribal area. It is also submitted that the petitioner is going to retire within 14 months from now.
2. Learned counsel for the petitioner submits that according to the

transfer policy, the employee who is going to retire within one year or those who are going to retire shortly, same benefit has to be given to them. The policy of the Government to consider a Government servant for posting in the home district or a place of his option is applicable only when one year is left for retirement. The other ground that the petitioner should not have been posted in the core tribal area in view of the provisions contained in Clause 1.5 of the policy dated 3.6.2015.

3. The petitioner placed reliance on policy dated 3.6.2015.

4. As the earlier policy dated 3.6.2015 is applicable, violation of the same could be raised before the competent authority by way of filing of the representation.

5. Considering the circumstances, it is directed that if the petitioner submits a representation before the transferring authority within a period of 10 days from today, his representation should be considered and decided by the transferring authority within a period of four weeks from the date of filing of the representation. For a period of four weeks, no coercive steps would be taken.

6. With the aforesaid observation, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge