

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5029 of 2016

P. K. Sahu S/o Late C. H. Sahu, Aged About 58 Years (Date Of Birth 01.01.1959), Occupation Assistant Engineer, R/o B-7, Vidya Vihar Colony, Padnabhpur, P.S. Pulgaon, District Durg, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resource Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. State Of Chhattisgarh, Through The Deputy Secretary, Water Resource Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
3. Engineering In Chief, Water Resource Department, Sihava Bhawan, Raipur, District Raipur, (Chhattisgarh)
4. Chief Engineer, Mahanadi Bhawan Godawari Basin, Water Resource Department, Raipur, District Raipur, (Chhattisgarh)
5. Superintendent Engineer, Shivnath Circle, Durg, District Durg, (Chhattisgarh)
6. Executive Engineer, Tandula, Water Resource Division Durg, District Durg, (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Suresh Kumar Verma, Advocate
For Respondent-State	: Shri R.K. Gupta, Dy. A.G..

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

Order On Board

22/09/2016

Heard on admission.

1. Challenge to the transfer order is on the sole ground that as per transfer policy dated 03.06.2015 in the matter of transfer to and from scheduled area as well as core scheduled area in the State, as far as possible, an employee more than 55 years aged are to be exempted from posting in the core scheduled area.

It is submitted that the petitioner is aged 58 years and therefore, the respondents ought not to have transferred the petitioner to Sukma which is core scheduled area.

2. A perusal of policy dated 03.06.2015 in clause 1.5 shows that the State has framed a policy that as far as possible Women, Disabled and more than 55 years aged employee have to be exempted from transfer to core scheduled area. The policy shows that it cannot be claimed as of right but it is only to be considered as far as possible. Therefore, there is scope for consideration of petitioner's case by the respondent subject to administrative exigency of service. The petitioner has already preferred representation, the same shall be considered and decided within a period of three weeks from the date of receipt of copy of this order. For a period of three weeks, no coercive steps shall be taken against the petitioner to compel him to join at Sukma.

3. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge