

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4798 of 2016

Santosh Kumar Kant S/o Shriram Dhan Kant, Aged About 46 Years R/o Village Achanakpur, P.O. Dongri, Vikas Khand Baloda, District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Avar Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
3. Daroga Singh Maravi, Marvahi Forest Division, Pendraroad, District Bilaspur, (Chhattisgarh)

---- Respondents

Shri Parag Kotecha, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/09/2016

Heard.

The petitioner is aggrieved by the transfer order dated 30/07/2016. According to learned counsel for the petitioner, in the recent past, vide order dated 08/02/2016, the Divisional Forest Officer has transferred the petitioner from Salekota to Dhanikundi and now, within a short period of five months, the State Government has passed an order to post some other officer in place of the petitioner with a direction to the DFO to post the petitioner at his own option.

2. It appears that vide 08/02/2016, the DFO made an interim arrangement to accommodate an employee who is going to attain the age of retirement. The distance from Salekota to Dhanikundi is stated to be about 20 kms only. Therefore, it appears to be more in the nature of local arrangement. Therefore, it cannot be said that the transfer is of such a nature that it may cause serious hardship to the

petitioner warranting interference by this Court.

3. The other ground of challenge is that the petitioner is the Vice President of Chhattisgarh Van Karmachari Sangh. Therefore, he is exempted from transfer.

The earlier circular of State of Madhya Pradesh dated 24/06/1996 adopted by the State of Chhattisgarh vide circular dated 25/08/2004 provides exemption from transfer only to the officers / office bearers namely President, Secretary (Sachiv / Mantri) and not the Vice President.

4. The other ground is that the mother of the petitioner is aged about 80 years and the petitioner has to maintain three children. Therefore, the transfer will seriously affect the petitioner.

This ground of personal difficulty does not warrant any interference by the Writ Court.

5. The petitioner is required to be posted within the same division at the option of Divisional Forest Officer. Therefore, no ground of challenge is made out. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge