

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3927 of 2017

Guljar Singh S/o Late Bakhat Singh, Aged About 51 Years Working As Patwari, P. H. No. 18, Mirouni, Tahsil Dabhra, District Janjgir- Champa, R/o Village Mirouni, Tahsil & P S Dabhra, District Janjgir- Champa (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue & Disaster Management, Ministry, Mahanadi Bhawan, Naya Raipur, P S Rakhi, District Raipur (Chhattisgarh).
2. Tahsildar Malkharoda, Tahsil Malkharoda, District Janjgir- Champa (Chhattisgarh).
3. Tahsildar Dabhra, Tahsil Dabhra, District Janjgir- Champa (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri B. M. Roy, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

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

Order On Board

29/08/2017

Heard.

1. Transfer order is under challenge on the ground that the petitioner is a disabled person. The other ground taken by the petitioner is that the petitioner was posted at the present place only 8 months before vide order dated 22.12.2016. Therefore, his transfer within a period of less than one year violates the transfer policy.
2. Learned counsel for the petitioner submits that there are no exceptional circumstances or any extraordinary administrative exigency warranting transfer of the petitioner and the transfer has been made in a routine and

mechanical manner.

3. Transfer policy dated 11.7.2017, as modified on 24.7.2017, clearly provides that a person shall normally become due for transfer only after one year of posting. The petitioner has hardly completed 8 months of posting. Therefore, the case of the petitioner requires consideration.
4. Though the petitioner claimed to a disabled person, no document has been placed. In case the petitioner claims some adjustment on the ground that he is physically disabled, he may submit necessary certificate before the competent authority along with fresh representation within a period of 10 days. If that is done, the petitioner's representation shall be decided by the authority within a period of 4 weeks. For a period of 6 weeks, no coercive steps shall be taken against the petitioner to compel him to proceed on transfer.
5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge