

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4238 of 2017

- Niraj Mishra S/o S/o Shri Ramji Mishra Aged About 33 Years At Present Posted As Horticulture Development Officer, At Government Horticulture Nursery, Armurkasa, Block Dondi, District- Balod, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Agriculture And Bio-Technology Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Under Secretary, State Of Chhattisgarh, Agriculture And Bio- Technology Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
3. Director, Department Of Horticulture & Farm Forestry, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Smt. Hamida Siddiqui, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/08/2017

Heard.

1. Learned counsel for the petitioner submits that though the petitioner has remained posted continuously in scheduled area for the last 4 years, by impugned order, he has again been transferred to another scheduled area. He submits that in such case, there is a policy of the State Government to consider posting outside the scheduled area under clause 2.1 of circular dated 03.06.2015.
2. It is found that the petitioner has approached this Court without preferring any representation in that regard. Therefore, I am not inclined to interfere with the transfer order. It will, however, be open for the petitioner to prefer representation before the competent authority to claim posting outside the scheduled area according to the

Government Policy within a period of ten days from today. If such representation is made, the competent authority shall take a decision on the representation within a period of four weeks from the date of receipt of the representation along with copy of this order. For a period of four weeks, no coercive steps shall be taken against the petitioner, provided nobody has joined at the place of the petitioner.

3. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge