

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4186 of 2017

Ramdeo Ram S/o Nanka, Aged About 51 Years Occupation- Rural Horticulture Extension Officer, Posted At Bhagwatpur Block Shankargarh District Balrampur Chhattisgarh , R/o Village Ledua Post Rajpur District Balrampur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Agricultural, Mantralaya, Mahanadi Bhawan, New Raipur District- Raipur Chhattisgarh.
2. The Under Secretary, Krishi Evam Jaiv Prodhoyik Vibhag Mantralaya, Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
3. Assistant Director, Horticulture District Balrampur Ramanujganj Chhattisgarh.
4. Garden Superintendent, Block Shankarhgarh District Balrampur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. N.K. Sinha, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/09/2017

Heard.

1. The petitioner has challenged the transfer order dated 14.08.2017 on the two grounds. Firstly, that vide order dated 22.07.2017, he was directed to join at Wardrafnagar under earlier order dated 23.03.2017 and the petitioner joined at Wardrafnagar, which is at distance of 70 km. Secondly, now the petitioner is being transferred from one district to the other district which is in violation of the policy dated 03.06.2015 which requires the respondents to consider the petitioner for posting to non scheduled area as the petitioner has remained posted in the scheduled area since 2011.

2. As far as the first ground is concerned, it appears to be a case of local adjustment. Only because under order of the State government, the petitioner has been transferred from one district to the other district, it cannot be termed as frequent. However, the second ground that once an employee has remained posted in the scheduled area, he is entitled to be considered for posting outside the scheduled area in provision of clause 2.1 of circular dated 03.06.2015, only on this aspect, it will require consideration by the respondent authority. The petitioner has not preferred any representation. Therefore, in case, the petitioner prefers representation within a period of 10 days from today, the representation of the petitioner in the light of policy dated 03.06.2015 shall be considered and decided within a period of four weeks. For a period of 6 weeks, no coercive steps shall be taken against the petitioner to send him outside the district.

3. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge