

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4556 of 2017

Manish Shrivastava S/o Shri A L Shrivastava Aged About 43 Years Post Belpat
Tehsil Pendra Road, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest,
Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh.
2. Divisional Forest Officer Division Marwahi District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Jitendra Pali, Advocate
For State	:	Shri S.P. Kale, Dy.A.G.

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

Order On Board

06/09/2017

Heard.

1. The transfer order is under challenge on the following grounds :
 - (A) that earlier the petitioner was transferred vide order dated 30th July, 2016 but he was relieved only on 29.8.2016 whereafter he joined. Therefore, it would be a case of transfer within one year and against the transfer policy.
 - (B) that the petitioner is President of the District Level Employee Union, therefore, under policy dated 25th August 2004, he is entitled to exemption from transfer till he completes three years of posting.
 - (C) that in place of the petitioner, no person has been posted, therefore, transfer order cannot be executed.
2. As far as ground relating to petitioner being officer bearer is concerned, it is found that the petitioner has not completed three years of posting. Therefore, in view of the aforesaid policy, the petitioner is entitled to be considered for exemption.

3. The other ground is that though the petitioner was transferred vide order dated 30th July 2016 but he was relieved only on 29.8.2016. That means that the petitioner could join belatedly at the present place for none of his fault. These two grounds will require consideration by the respondent.
4. The petitioner has not preferred any representation . If the petitioner prefers representation within a period of 15 days, the same shall be decided by the authority within a period of 4 weeks and for a period of 6 weeks, no coercive steps shall be taken to compel the petitioner to proceed on transfer under the impugned transfer order.

Sd/-
(Manindra Mohan Shrivastava)
Judge