

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4633 of 2017**

Sachit Kumar Sahu S/o Meghraj Sahu Aged About 35 Years Working
As Chief Municipal Officer, At Nagar Panchayat Tumgaon, District
Mahasamund Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban
Administration And Development, Mahanadi Bhawan, Mantralaya
New Raipur, District Raipur Chhattisgarh
2. Director Directorate Public Instruction, Chhattisgarh Raipur, District
Raipur Chhattisgarh
3. Mohendra Kumar Sahu Working As Chief Municipal Officer, At Nagar
Panchayat, Balod District Balod Chhattisgarh **---- Respondents**

For Petitioner	:	Mr. Ajay Shrivastava, Advocate.
For State	:	Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/09/2017**

Heard.

1. The transfer order is under challenge on the ground that the petitioner is being transferred during ban period because after 14.08.2017, as per policy dated 11.07.2017 modified on 24.07.2017, transfer could not be made except by following procedure for coordination prescribed under the policy. The other ground is that the petitioner has hardly completed one year of posting and earlier also he was shifted within one year. Therefore, the petitioner is being subjected to frequent transfer. The third ground is that the petitioner holds the substantive post of Chief Municipal Officer of Grade-C Municipality but he is being transferred to a Grade-B Municipality, which is illegal.
2. As far as posting in a Grade-B Municipality is concerned, it does not

prejudice the petitioner as none of the petitioner's right have been violated. Therefore, this could not be a ground to challenge the transfer order. The other ground that the petitioner has been transferred within one year and is frequent transfer, cannot be appreciated, because under the transfer policy, an employee who has completed one year of posting, can be transferred. The transfer policy is not under challenge. The petitioner has been posted at the present place of posting on 13.06.2016. Therefore, on this ground also, no case is made out for interference.

3. However, the petitioner has been transferred during ban without following coordination procedure. Clause 3.5 of policy dated 11.07.2017 allows the transfer during ban period in compliance of the Court's order provided no one is affected.
4. It appears that in the present case, one Mr. Arun Dhruv, Chief Municipal Officer, Dallirajhara was transferred to Sakti but he had filed a petition and thereafter in compliance of the Court's direction, his transfer was cancelled and thereafter the petitioner has been picked up for transfer from Tumgaon to Sakti. Though it appears to be a chain transfer, in view of provision contained in clause 3.5 of the transfer policy, the matter would require consideration. Therefore, the case of the petitioner needs to be considered. The petitioner has not preferred any representation. Let a representation be preferred within two weeks and if that is done, the same shall be considered and decided within four weeks by the committee taking into consideration the aforesaid issue and pass appropriate orders. For a period of six weeks, no coercive steps shall be taken against the petitioner.
5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge