

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4872 of 2017**

D. P. Pathak S/o Late N.P. Pathak, Aged About 49 Years Working
As Assistant Grade I I, Office Of The Assistant Commissioner,
Tribal Development Department, Bilaspur, District Bilaspur
Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Tribe And Scheduled Caste Development, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh.
2. The Commissioner, Department Of Scheduled Tribe And Scheduled Caste Development, Naya Raipur.
3. The Assistant Commissioner, Tribal Development Department, Bilaspur District Bilaspur Chhattisgarh.
4. The Janpad Panchyat Gaurela, Through The Chief Executive Officer, Janpad Panchayat Gaurela, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manish Nigam, Advocate
For State	:	Mr. Satish Gupta, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/09/2017**

Heard.

1. The transfer order is under challenge on the ground that it violates the transfer guidelines relating to office bearer of representative union of the employee.
2. Learned counsel for the petitioner submits that vide letter dated 25th August 2004, the State Govt. of Chhattisgarh has applied the earlier circular dated 24th June 1996 prevalent in the then State of Madhya Pradesh under which the named office bearers were entitled to relaxation from transfer for a period of 3 years. It is submitted that the petitioner was

elected as District Secretary on 18.05.2017 and his total period of posting at the present place is less than 3 years.

3. Considering the aforesaid submission, I am inclined to protect the petitioner against the transfer in the manner that representation made by the petitioner before the competent authority shall be considered and decided within a period of 4 weeks from the date of receipt of copy of this order keeping in view the directive contained in circular dated 24th June 1996 and 25th August 2004. Till the decision is taken on petitioner's representation, the petitioner shall not be compelled to proceed on transfer under the impugned order.

4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge