

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4998 of 2017

Shiv Kumar Sahu S/o Shri Chhedilal Sahu Aged About 54 Years Accountant,
Posted In The Office Of Chief Medical And Health Officer, Janjgir-Champa,
District Janjgir-Champa, Civil And Revenue District Janjgir-Champa,
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare
Department, Mahanadi Bhavan, Mantralay, New Raipur, Chhattisgarh.
2. Director, Health Services, Indrawati Bhavan, 4th Floor, New Raipur,
Chhattisgarh.
3. Chief Medical And Health Officer, Janjgir-Champa, District Janjgir-Champa,
Chhattisgarh.

---- Respondents

For Petitioner	:	Shri M.K. Sinha, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. 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 2.1.2017 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

Praveen