

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5255 of 2017**

Nilaram Mankar (N.R.Mankar) S/o Ramji Lal Mankar, Aged About 49 Years  
 Posted As A Head Clerk In The Office Of Chief Medical And Health Officer  
 District Bemetara Chhattisgarh. **---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary Health And Family Welfare  
 Department Mahanadi Bhawan Naya Mantralaya Naya Raipur District Raipur  
 Chhattisgarh.
2. Collector, District Bemetra Chhattisgarh.
3. The Chief Medical And Health Officer, Bemetra District Bemetra  
 Chhattisgarh. **---- Respondents**

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| For Petitioner | : | Mr. B.P. Singh, Advocate.       |
| For State      | : | Mr. Avinash Singh, Panel Lawyer |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****05/10/2017**

Heard.

1. The transfer order is under challenge on the grounds that the petitioner has been elected as the office bearer/secretary of the district level unit of employees union and in view of the State Government Circular dated 25.08.2004, he is exempted from transfer for a period of three years. The second ground is that the wife of the petitioner is posted at Navagarh which is nearby present place of posting and the third ground is that in the impugned order, the name of the petitioner has not been correctly mentioned.
2. It is submitted that the petitioner has not completed three years of posting at the present place, in view of the State Government circular issued on 25.08.2004, the petitioner's case would require consideration.

3. The petitioner has not preferred any representation. In case, the petitioner prefers representation within a period of 15 days from today, the same shall be considered and decided within a period of four weeks from the date of receipt of representation. While considering the representation of the petitioner, the two other grounds raised by the petitioner shall also be examined by the competent authority. For a period of six weeks, no coercive steps shall be taken against the petitioner to compel him to proceed on transfer.
4. The petition is accordingly disposed off.

Sd/-

**(Manindra Mohan Shrivastava)**  
**J U D G E**