

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5407 of 2017

Banshi Lal Chandel S/o Shri Hari Ram Chandel, Aged About 56 Years Resident Of Bheempuri, Post Office - Udaypur, Tahsil Khairagarh, District Rajnandgaron Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Health Engineering Department, Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Engineer - In - Chief, Public Health Engineering, Chhattisgarh, Indravati Bhawan, New Raipur Chhattisgarh.
3. The Chief Engineer, Public Health Engineering, Raipur Chhattisgarh.
4. The Executive Engineer, Public Health Engineering, Rajnandgaon Division, District Rajnandgaon Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Goutam Khetrapal, Advocate
For State	:	Shri S.P. Kale, Dy.A.G.

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

Order On Board

12/10/2017

Heard.

1. The transfer order dated 14.8.2017 is under challenge on twin grounds. The first ground is that though the petitioner has remained posted at Ambagarh Chouki, a scheduled area, ever since 1992, when an occasion arose for transfer, he has been transferred to another scheduled area at Surajpur. Learned counsel for the petitioner draws attention of this Court to the provision contained in circular dated 3.6.2015. It is submitted that in such situation, the employee requires consideration for his posting to a non- scheduled area as provided under Clause 2.1 of the policy.

The second ground is that as the petitioner, from the initial date of appointment, has remained posted only at Ambagarh Choky, his case was required to be considered also in terms of provision contained in Clause 1.3 of

the circular dated 3.6.2015 which requires consideration of an employee for posting outside the scheduled area once he has posted in his first appointment in a schedule area.

Learned counsel for the petitioner submits that the petitioner has joined at the transferred place as an obedient Govt. servant. Therefore, in these circumstances, his case may be considered as per provisions contained in circular dated 3.6.2015.

2. Learned counsel for the State would submit that case of the petitioner would require consideration upon due verification of facts because in transfer order, place of the posting of the petitioner has been shown as Khairagarh.
3. As per Clause 2.1 of the circular dated 3.6.2015, in a case where an employee has remained posted in the scheduled area, his case is required to be considered for posting to a non scheduled area upon availability of vacant post and the period of service rendered by the Govt. servant in scheduled area.
4. The petitioner has already preferred representation on 4.9.2017. Therefore, in these circumstances, it would be proper to dispose off the matter with a direction to the respondents to consider and decide petitioner's representation within a period of 6 weeks from the date of receipt of copy of this order.
5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge