

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6297 of 2017

- Preetram Khutel, S/o Derharam Khutel, Aged About 47 Years, Presently Posted As Project Officer, Child Development Project, Balod, R/o Priyadarshini Nagar, Plot No.19, Risali, Bhilai, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Under Secretary, Women and Child Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
3. The District Programme Officer, Women and Child Development Department, Balod, District Balod, Chhattisgarh.

---- Respondents

For Petitioner
For Respondent-State

Shri Goutam Khetrapal, Advocate
Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/12/2017

1. Challenging the transfer order dated 11.08.2017 by which the petitioner has been transferred from Balod to Bijapur, he had preferred WPS No.4022/2017. This petition was disposed of on 25.08.2017 with the following observation:-

“2. Learned counsel for the petitioner submits that as in the past, the petitioner had remained posted in scheduled area for a long time and therefore now, the petitioner should not be again

sent to the scheduled area. In support of his submission, learned counsel for the petitioner seeks to place reliance upon the provision contained in clause 1.3, 2.1 & 2.2 of transfer policy.

3. It is not a case where the petitioner has remained posted in the scheduled area and without considering his posting outside the scheduled area, he is being again sent to scheduled area. The petitioner has remained posted at Balod since 2013 and has completed almost four years of posting by now. There is nothing in the policy referred to herein above which prohibits transfer of an employee from non-scheduled area to scheduled area once in the past, he remained posted in the scheduled area. Therefore, I do not find that there is violation of any policy.

4. The other ground is that the petitioner's wife is posted and working as Assistant teacher in a school. That is matter for consideration of the authority and no emphatic direction can be issued. However, only on that aspect, it will be open for the petitioner to prefer representation and if such representation is made, the same shall be considered and decided by the competent authority as early as possible preferably within a period of four weeks from the date of submission of representation."

2. It is contended that the petitioner's representation has been rejected on 23.09.2017 by a non speaking order.
3. Learned State counsel would submit that the petitioner has already been relieved on 13.10.2017 for joining at the transferred place, therefore, the petition has been rendered infructuous.
4. Having considered the rival submissions, it appears, in view of the finding recorded by this Court in the earlier writ petition, there was practically nothing to be decided in the representation except the petitioner's plea of keeping the husband and wife together, however, since thereafter the petitioner has already been

relieved.

5. No case for interference is made out in this petition. However, the petitioner may request the Authorities to pass a reasoned order on his representation.
6. Accordingly, the writ petition is dismissed with the aforesaid observation.

Sd/-

Judge

Prashant Kumar Mishra

Nirala