

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 4809 of 2016**

Bhavdas Ramteke S/o Shri Baburao Ramteke, Aged About 61 Years Working As Assistant At Chhattisgarh Stat Ware Housing Corporation Patan District Drug Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food & Civil Supplies Mantralaya, Mahandi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Chhattisgarh State Ware Housing Corporation, Through The Managing Director, N 3, Avanti Vihar Telibandha, Distirct Raipur Chhattisgarh
3. Shri Ramkumar Gupta, Working As Junior Assistant, Ware Housing Corporation Branch Durg Chhattisgarh

**---- Respondents**

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|---------------------|---|------------------------------------------|
| For Petitioner      | : | Shri Aditya Tiwari, Advocate             |
| For State           | : | Shri Chandresh Shrivastava, Panel Lawyer |
| For Respondent No.2 | : | Shri B.D. Guru, Advocate                 |

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

**Order On Board**

**03/04/2017**

Heard.

1. By this petition, the petitioner has challenged the order dated 27.7.2016 by which he has been transferred from Patan to Durg. The petitioner's grievance is that the petitioner was working in the capacity as Branch Manager at Patan and from there, he has been transferred to Durg to work under the Branch Manager at Durg, whereas respondent No.3 who is a Junior Assistant, has been posted in the capacity as Branch Manager at Patan.
2. Learned counsel for the petitioner submits that even though there was no specific reason to transfer the petitioner, the junior person was given charge as Branch Manager, whereas the petitioner was transferred. It is submitted that the transfer order was passed when only 10 months were remaining for petitioner's retirement and, therefore, at this stage, the petitioner should not have been

shifted.

3. Learned counsel for the respondent No.2 submits that there is no post like Branch Manager but the work of Branch Manager is assigned to employee for proper functioning of the Branch. According to him, the respondents were not satisfied with the work of the petitioner and in fact, he was suspended in the year 2013. The decision was taken in exigency of service. The petitioner is permanent resident of Durg and the transfer only helped him to settle after the retirement. Therefore, the order does not come in his way.
4. According to respondent there is no post of Branch Manager, but I find that the order by which the petitioner was earlier sent to Patan in the year 2014 stated that petitioner is posted in the capacity as Branch Manager. The petitioner's grievance seems to be that a person junior to him, even lower in rank, has been chosen to work in the capacity of Branch Manager at Patan and petitioner has been shifted to Durg to work as Assistant under a Branch Manager.
5. The only operative reason stated against the petitioner seems to be that he was placed under suspension in the year 2013. However, before the transfer order, there does not appear to be any complaint against him. The petitioner is shortly going to retire on 17<sup>th</sup> June, 2017. I find that petitioner's hometown is only at Durg where he is proposed to be shifted.
6. Therefore, in these circumstances, the respondent- Corporation shall reconsider their decision whether the petitioner may be allowed to continue presently at Patan or should be shifted to Durg.
7. Considering that petitioner's retirement is reaching soon, if no acute administrative exigency warrants, it is expected that the petitioner shall be allowed to continue for a further period of three months to avoid any kind of complications at the time of his retirement.
8. The petition is accordingly finally disposed off with the observations as above.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge