

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6796 of 2016

Ajay Kumar Verma S/o Late Shri Harishankar Prasad Verma, Aged About 52 Years Presently Working As Accountant, Municipal Corporation, Raigarh, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. The Under Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sudeep Agrawal, Advocate
For State	:	Shri R.K. Gupta, Dy.A.G.

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

Order On Board

01/02/2017

Heard.

1. In this petition, the transfer order is under challenge on the ground that the petitioner is being subjected to frequent transfers.
2. Learned counsel for the petitioner submit that it could not be disputed by the respondents that within a short period of time, the petitioner has been transferred and now, vide impugned order, he has been transferred back to his parent Municipal Council. It is submitted that this has resulted in hardship to the petitioner as the petitioner is low paid employee and he cannot be subjected to frequent transfers in this manner. It is further submitted that if at all, the policy decision of the State Government was to post the employee in his parent Municipality, there is no reason why he is being transferred frequently.

Therefore, the impugned order is quite arbitrary.

3. Considering the aforesaid submission, it is directed that the impugned order shall not be given effect to till June, 2017. After June, 2017, the respondents may proceed to implement the order and require the petitioner to join back to his parent Municipality.
4. Learned counsel for the petitioner raised an apprehension that the impugned order by which the petitioner has been repatriated back to his parent Municipality may adversely affect a pending case of absorption in Municipal Corporation, Raigarh.
5. The issue of absorption has nothing to do with the transfer and posting. There is nothing in the order to indicate that this will have any effect on petitioner's case for absorption. It will be open for the State to decide issue of absorption in accordance with law.
6. With the said observations, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge