

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4516 of 2017

Nem Singh Sahu S/o Shri Jhadhi Ram Sahu, Aged About 54 Years Post Head Master, Govt. Primary School, Pendri, Block Division- Bemetara, Sankul Center, Janta, District Bemetara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The State Of Chhattisgarh, Through The Under Secretary, School Education Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
3. Collector, Bemetara, District Bemetara, Chhattisgarh.
4. District Education Officer, Bemetara, District Bemetara, Chhattisgarh.

---- Respondents

For Petitioner	:	Smt. Indira Tripathi Advocate
For State	:	Shri A.S. Kachhawaha, Additional A.G.

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

Order On Board

05/09/2017

Heard.

1. The transfer order is under challenge on the ground that the petitioner was earlier transferred vide order dated 30.7.2016 (Annexure P-2) by the State Govt., pursuant to which he was relieved only on 24.8.2016. Thus, the petitioner could comply with the transfer order only after 24.8.2016 and joined at the new place on 26.8.2016. Therefore, the transfer of the petitioner is frequent and less than one year.
2. It appears that earlier the transfer order was issued on 30.7.2016 but the petitioner was relieved only on 24.8.2016 and it is not a case that the petitioner himself was sitting and not complying with earlier transfer order.

Therefore, under these circumstances, petitioner's case should receive consideration whether the petitioner should be continued at the present place of posting keeping in view that the place where the petitioner is now being transferred is only 45 k.m.

3. The petitioner has not preferred any representation. If any representation is moved by the petitioner along with copy of this order to the competent authority with a period of 15 days, the same shall be considered and decided by the authority within a period of 4 weeks and for a period of 6 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)
Judge