

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4022 of 2017**

Preetam Khutel S/o S/o Derharam Khutel, Aged About 47 Years Presently
Posted In The Post Of Project Officer At Child Development Project Balod, R/o
Priyadarshini Nagar, Plot No. 19 Risali, Bhilai Chhattisgarh

---- **Petitioner****Versus**

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

---- **Respondents**

For Petitioner	:	Shri T.K. Tiwari, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/08/2017**

Heard.

1. This petition has been filed by the petitioner assailing transfer order, by which, the petitioner is being transferred from Balod to Bijapur on the ground that it is violative of the policy of posting in scheduled area promulgated on 03.06.2015.
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.
5. The petition is accordingly disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge