

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4422 of 2017

Jitendra Jha S/o Digambar Jha, Aged About 35 Years Posted As Rural Agriculture Extension Officer At Office Of Senior Rural Agriculture Extension Office, Block Bhaiyathan, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Agriculture Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh,
2. Under Secretary, State Of Chhattisgarh, Agriculture Department, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. Collector, Surajpur, District Surajpur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri K.P. Gupta, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

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

Order On Board

01/09/2017

Heard on admission.

1. The transfer order is under challenge on the grounds :
 - (A) that the petitioner is an office bearer of the District Employees Union, therefore, he is entitled for exemption from transfer in view of order dated 25th August 2004.
 - (B) that the petitioner's mother is a kidney patient and the petitioner is frequently required to go to Christian Medical College Vellore and therefore, if he is posted at Jashpur, there will be no conveyance through rail but only road.
 - (C) that nobody has been posted at the place of the petitioner.
2. Having considered the submissions made by learned counsel for the

petitioner, I am not inclined to interfere with the order because the petitioner, on his own showing, has remained posted in the present place since 2006. This Court has already held that exemption from transfer on the ground of he being office bearer of the Union would be available only till the employee does not complete normal tenure of posting as per the transfer policy. The other ground that as no one has been posted in place of the petitioner, petitioner could not be transferred, is misconceived in law. Who is to be posted where is a matter to be decided by the State. In so far as the ground raised relating to personal difficulty is concerned, the petitioner may prefer representation.

3. Accordingly, with liberty to prefer representation, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen