

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5532 of 2017**

- D. K. Lal S/o Late Shri Chandra Lal, Aged About 55 Years, Occupation Service Assistant Grade-III In the Office Of Joint Director, Social Development, Bilaspur, Chhattisgarh, R/o House No. 49, Sagar Deep Colony, Thana Chakarbhata, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Social Development, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Director, Social Welfare, Directorate, Social Development, District Raipur, Chhattisgarh
3. Joint Director, Social Development, District Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	Mr. Vinay Pandey, Advocate
For Respondent /State	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

24/10/2017

1. Heard.
2. Learned counsel for the petitioner would submit that by the impugned order, the petitioner's service has been transferred from the office of Deputy Director, Social Welfare, District Bilaspur to the same office at Bijapur District on administrative grounds by showing him as AG-II, whereas, he is holding the post of AG-III. It is also argued that transfer of the petitioner from one District to another would affect his seniority, therefore, the

order would change the service conditions in relation to the petitioner and as such, the order deserves to be set-aside. It is further argued that the petitioner is more than 55 years of age, therefore, as per the State Government's policy, prohibiting transfer of an employee of more than 55 years to a scheduled area, the order suffers from violation of guidelines.

3. Considering the entire facts' situation of the case, particularly since the petitioner is posted at Bilaspur for a number of years, but at the same time, considering the grounds raised by the petitioner, ends of justice would be served if the petition is disposed of with the direction that in the event, the petitioner submits representation before the competent authority within a period of 02 weeks from today, the competent authority shall consider and decide the representation at the earliest preferably within a period of 08 weeks thereafter.
4. It is ordered accordingly.
5. For a period of 10 weeks or till the representation is decided, whichever is earlier, the status quo in respect of the petitioner's posting shall be maintained.
6. It is made clear that while deciding the petitioner's representation, the State would be at liberty to modify the order to mention that the petitioner is working as AG-III and not as AG-II.

Sd/-

Judge
(Prashant Kumar Mishra)