

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6798 of 2016

Virendra Verma S/o Shri Chabi Ram Verma, Aged About 39 Years Presently Working As Sanitary Inspector, Municipal Council, Dalli Rajhara, District Balod (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)
3. Akhileshwar Chaturvedi, Presently Working As Sanitary Inspector, Municipal Corporation, Bhilai, District Durg (Chhattisgarh)

---- Respondents

And

WPS No. 6493 Of 2016

Anupam Tiwari S/o Shri Shivshankar Tiwari, Aged About 28 Years R/o School Chowk, Khosra, District Janjgir Champa Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh School Education Department, Urban Administration And Development Department, Naya Raipur Chhattisgarh
2. The Director, Directorate Of Urban Administration And Development, Indrawati Bhawan, Naya Raipur, Chhattisgarh
3. The Joint Director, Urban Administration And Development, Bilaspur Division, Bilaspur Chhattisgarh
4. The Chief Municipal Officer, Municipal Council Mungeli, District Mungeli, Chhattisgarh
5. The Chief Municipal Officer, Municipal Council Janjgir Naila, District Janjgir Champa Chhattisgarh

---- Respondents

And

WPS No. 6669 Of 2016

Satish Singh Chouhan S/o Shri J.B.S. Chouhan Aged About 36 Years Presently Working As Revenue Sub Inspector, Municipal Corporation, Raipur, District- Raipur, Chhattisgarh

---- Petitioner

Vs

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

---- Respondent

And

WPS No. 6641 Of 2016

Smt. Ranjita Singh W/o Divesh Singh Aged About 25 Years Presently Posted And Working As Assistant Grade Ill, Municipal Corporation, Ambikapur, Dist. Sarguja (Chhattisgarh). R/o Babupara, Central Jail Road, Ambikapur, Dist. Sarguja (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Under Secretary, Department Of Urban Administration And Development, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
3. Director, Directorate Of Urban Administration & Development, Indravati Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
4. Municipal Corporation, Ambikapur, Dist. Sarguja (Chhattisgarh), Through Its Commissioner
5. Municipal Corporation, Chirmiri, Dist. Korea (Chhattisgarh), Through Its Commissioner

---- Respondents

And

WPS No. 6965 Of 2016

Poshan Singh Thakur S/o Late Atal Singh Tahkur, Aged About 59 Years R/o Ward No 5, Kachharipara, Bemetara, Police Station & District Bemetara Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development, Department Mahanadi Bhawan, Police Station New Raipur, Tahsil Raipur, Civil & Revenue District Raipur Chhattisgarh
2. Director, Urban Administration and Development Department, Directorate Indrawati Bhawan, Police Station New Raipur, Tahsil Raipur, Civil & Revenue District Raipur Chhattisgarh
3. Nagar Palika, Bemetara Through Chief Municipal Office, Bemetara Police Station & District Bemetara Chhattisgarh

---- Respondents

Shri Vimlesh Bajpai, Shri Sudeep Agrawal, Shri Jitendra Shrivastava and Shri Vaibhav Goverdhan, counsel for the petitioner/s.

Shri B.GopaKumar, Dy.A.G. for the State.

Shri Bhupendra Singh, counsel for respondent No.4 in WPS No.6641/2016.

Shri Akhilesh Kumar, counsel for respondent No.4 in WPS No.6493/2016.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/01/2017

In some cases, return has been filed and in some cases, return has not been filed. All the aforesaid writ petitions are being disposed off by this common order as they all involve similar issues.

The transfer orders are under challenge on the ground that the petitioners are being subjected to frequent transfers.

Learned counsel for the petitioners submit that it could not be disputed by the respondents that within a short period of time, the petitioners have been transferred and now, vide impugned order, they have been transferred back to their parent Municipal Council/Municipal Corporation. It is submitted that this has resulted in hardship to the petitioners as the petitioners are low paid employees and they 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

employees in their parent Municipality, there is no reason why they are being transferred frequently. Therefore, the impugned order is quite arbitrary.

Considering the aforesaid submission, it is directed that the impugned orders shall not be given effect to till June, 2017. After June, 2017, the respondents may proceed to implement the orders and require the petitioners to join back to their parent Municipality.

With the said observations, all the petitions are disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge