

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 149 of 2017

Dr. Ram Bhuvan Chourasiya S/o Shri Tika Ram, Aged About 54 Years
Veterinary Assistant Surgeon, Veterinary Hospital, Masturi, District Bilaspur
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Animal Husbandry & Veterinary Services, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. The Under Secretary, Department Of Animal Husbandry & Veterinary Services, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
3. The Director, Directorate Of Veterinary Services, Indrawati Bhawan, Block III, Ground Floor, New Raipur, Tahsil & District Raipur (Chhattisgarh)
4. Dr. Surendra Kumar Chandrakar, Veterinary Assistant Surgion, Office Of Joint Director, Veterinary Services, Jagdalpur, District Bastar (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Anand Shukla, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

20/01/2017

Heard.

1. The petitioner has challenged the transfer order dated 16.12.2016 mainly on the ground that it has not been passed in accordance with the procedure prescribed under the transfer policy dated 11th June, 2016.
2. It is submitted that the transfer order is required to be passed in coordination. According to the petitioner, it has not been done. The next submission is that the transfer has been made in the mid-session only to accommodate

respondent No.4, who has been transferred vice the petitioner from Jagdalpur to Gariyaband. The third ground is that the petitioner's son is presently studying in Class-XI at Raipur and if he is transferred, at this stage, it may adversely affect future of his son who has to take up examinations which is commencing from 6.2.2017 and will conclude on 20.2.2017.

3. On the other hand, learned counsel for the State submits that the order impugned clearly shows that the transfer order has been approved in coordination. The next submission is that the petitioner has already remained posted at the present place of posting for last 10 years, therefore, he cannot claim his continuance at Masturi, Bilaspur for all times to come. Lastly, it is submitted that as far as personal difficulty is concerned, the petitioner can well manage for another month or two and only on the ground of his son studying in Class-XI, is not entitled the petitioner for any relief.
4. The impugned order records that order has been passed in coordination. The petitioner has not disclosed on what basis he has made this statement that order has not been passed in coordination. The petitioner has remained posted at the preset place for quite some time, therefore, he cannot raise any complaint to the transfer. The last submission that petitioner's son is appearing in Class XI examination and if the petitioner is transferred in mid-session, it may adversely affect the studies, leads this Court only to give limited protection to the petitioner. It is directed that till 20.2.2017, the petitioner shall not be compelled to proceed on transfer. However, soon thereafter, the petitioner shall be under obligation to comply with the transfer order.
5. With the observations and directions as above, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge