

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3630 of 2016

Rajesh Kumar Shrivastava S/o Shri Prafull Chandra Shrivastava, Aged About 56 Years Posted At Assistant Manager, Technical, Head Office Raipur, Chhattisgarh State Ware Housing Corporation Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Food Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh State Ware Housing Corporation, Through Managing Director, Head Office N 3, Avanti Vihar Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Smt. Indira Tripathi, Advocate
For State/Respondent No.1.	:	Shri D.R. Minj, Dy. Govt. Advocate
For Respondent No.2	:	Shri Aditya Bhardwaj, Advocate

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

Order On Board

20/01/2017

Heard.

1. The transfer order dated 30th July, 2016 is challenged by the petitioner on the ground that the petitioner is being subjected to frequent transfers from one station to other station.
2. It is submitted that the petitioner was transferred vide order dated 4.6.2015 from Raipur to Balod. Thereafter, the petitioner was again shifted vide order dated 7.1.2016 from Balod to Raipur and, thereafter, within a short period of 6 months, the petitioner is now being transferred from Raipur to Raigarh. It is submitted that because of these frequent transfers, the petitioner has suffered hardship. It is also submitted that the petitioner is a heart patient and receiving treatment. Therefore, frequent shifting of the petitioner from one place to another place is

not only causing him hardship but affecting his health also.

3. Learned counsel for respondent No.2 submits that though the petitioner was subjected to frequent transfers, the main operative reason for transfer of the petitioner was a report of Anti Corruption Bureau that at Raigarh, number of complaints have been received regarding shortage of goods, articles etc. and therefore, in exigency of service, it became necessary to shift the petitioner from Raipur to Raigarh to look after interest of the Corporation and its property. It is also submitted that Raigarh is a district place and all medical and transportation facilities are available at Raigarh also.
4. No doubt the petitioner has been subjected to frequent transfers in the sense that from Headquarter, Raipur, he was transferred to Balod in the month of June, 2015. Soon thereafter, within 6 months, he was again brought back to Headquarter Raipur and thereafter after 6 months, the petitioner has been transferred from Raipur to Raigarh. The respondents have though, shown exigency of transfer but it has not been stated that no other employee except the petitioner was available for transfer. Normally, if such exigency arise for transfer, those who have completed normal tenure of posting, could be considered. The petitioner has been shifted very frequently within 6 months. Therefore, the respondents may give a fresh look to the entire scenario and find out whether some other person who has completed his normal tenure could be transferred in place of the petitioner. In case ultimately, a conclusion is reached that except petitioner, there is no other officer available to discharge the duties at Raigarh, the petitioner will have to go. Let this matter be considered by respondent No.2 and decision be taken within a period of 4 weeks from the date of receipt of copy of this order.

As the petitioner is continuing on the strength of interim order, he will continue at the present place till a fresh decision is taken by the respondent in the matter.

5. With the observation and direction as above, the petition is finally disposed off.

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