

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 4641 of 2017**

Rajendra Prasad Tiwari S/o Bansh Bahor Tiwari, Aged About 50 Years  
Occupation Forester, R/o Village Gopalpur, Tahsil Rajpur, District Balrampur  
Chhattisgarh.

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Principal Chief Conservator Of Forest, Aranaya Bhawan, Jail Road, Raipur, District Raipur Chhattisgarh.
3. The Chief Conservator Of Forest, Conservancy Circle, Surguja, Ambikapur, District Surguja Chhattisgarh.
4. Divisional Forest Officer, Forest Division, Balrampur, District Balrampur Chhattisgarh.
5. Divisional Forest Officer, Jashpur Forest Division, Jashpur Chhattisgarh.
6. Range Officer, Rajpur Range, District Balrampur Chhattisgarh.
7. Shivnath Jaiswal, S/o Ram Sakal Jaiswal, R/o Rajpur, District Balrampur Chhattisgarh.

---- Respondents

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| For Petitioner | : | Shri R.S. Baghel, Advocate |
| For State      | : | Shri S.P. Kale, Dy.A.G.    |

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

**Order On Board**

**13/09/2017**

Heard.

1. The transfer order is under challenge firstly on the ground that the petitioner is being transferred mala fide because a false complaint has been made against him by respondent No.7 who is politically affluent and had threatened the petitioner that he would get him transferred by use of political pressure. The second ground is that the petitioner is being transferred from one forest

division to other forest division and on 9.2.2008, the Secretary of the Department had issued letter that as far as possible, Forester should be transferred within the district. Next ground is that the petitioner has remained posted in the scheduled area since long. It is also submitted that though the petitioner is being transferred to another place in the place of the petitioner three persons are shown to have been posted which show that transfer order is mechanical in manner.

2. The petitioner has remained posted at the present place since 2013, therefore, he has become due for transfer. Circular issued in the year 2008 was issued by the Secretary of the Department whereas the present transfer policy dated 11.7.2017 is existing policy and it does not contain any such provision that Forester should not be transferred to other district.

The submission of learned counsel for the petitioner that the petitioner has remained in scheduled area, therefore, when an occasion arose for transfer to non-scheduled area, he should have been considered for transfer to non-scheduled area in the special situation of the present case, may require consideration and the petitioner may receive consideration. It, however, has to be noted that the petitioner is an employee of the Forest Department and the policy of sending officers to scheduled area to non-scheduled in the Forest Department will have to be complied with very cautiously so that there are officers posted in the scheduled area as well. These are all administrative matter.

3. The petitioner has already preferred representation. Let copy of this order be submitted before the competent authority within 10 days and if it is done, the same shall be decided and necessary orders shall be passed in 4 weeks and for a period of 4 weeks, if the petitioner has not been relieved, coercive steps shall not be taken to relieve him.
4. With the aforesaid observation and direction, the petition is finally disposed off.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge