

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4678 of 2017

- D.K.Dubey S/o Late Shri K.R. Dubey, Aged About 61 Years (Date Of Birth 28.06.1956) Occupation Sub Engineer, Water Resources Department, Division Bijapur, District Bijapur Chhattisgarh R/o Q. No. H I G - I / 419 Borsi Colony, Pitamber House, Police Station Pulgaon, District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resource Department, Mahanadi Bhawan Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Engineer In Chief, Water Resource Department, Sihava Bhawan Raipur, District Raipur Chhattisgarh.
3. Chief Engineer, Mahanadi Godawari Basin, Water Resource Department, Raipur, District Raipur Chhattisgarh.
4. Superintendent Engineer, Water Resource Department Jagdalpur, District Bastar Chhattisgarh.
5. Executive Engineer, Water Resource Department Bijapur District Bijapur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri S. K. Verma, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/09/2017

Heard.

2. Transfer order is under challenge on the ground that the petitioner has been transferred when he is going to retire within a period of less than one year i.e. on 30-06-2018, therefore, he is entitled for consideration in the home district or in the district of his option as per Clause 1.9 of the Transfer Policy dated 11-07-2017.

3. It is submitted that the petitioner's home district is Durg and the petitioner intends to continue in the same district. It is also submitted that the petitioner is presently posted in the home district Durg.

4. Learned State counsel submits that violation of transfer policy cannot be claimed as right of the petitioner, because this is always subject to administrative exigency and public interest.

5. Be that as it may, if transfer order has been passed in violation of clause 1.9 of the transfer policy, this matter would require consideration. The petitioner has already submitted representation. Let the concerned departmental authority shall take appropriate decision in the matter within a period of four weeks from the date of receipt of a copy of this order, according to exigency of service and public interest and the petitioner's own request for adjustment in his home district.

6. Accordingly, this petition is finally disposed of.

SD/-
(Manindra Mohan Shrivastava)
Judge