

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4064 of 2016

- Ramesh Kumar Ekka S/o Late Shivram Ekka, Aged About 32 Years Occupation Service Forest Guard Jainagar Beet, Forest Division Surajpur, District Surajpur, (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mantralaya New Raipur (Chhattisgarh).
2. The Conservator Of Forest Surguja District Surguja (Chhattisgarh).
3. The Divisional Forest Officer, Surajpur Forest Division, District Surajpur (Chhattisgarh).
4. The Divisional Forest Officer, Ambikapur Division, District Surguja (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Soniya Kuldeep, Advocate
For Respondent/State	:	Shri Ramakant Mishra, Dy.AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2017

Heard.

2. The petitioner has challenged legality and validity of transfer order dated 30-07-2016 (Annexure P/1) mainly on the ground that the petitioner has been subjected to frequent transfer. It is stated that the petitioner was initially appointed on 16-04-2013 in Surguja Division and thereafter, he was shifted to Surajpur Division on 02-04-2015 and within that division, the petitioner was shifted and transferred on 13-04-2015 and then again, vide order dated 07-01-2016, the petitioner was transferred to Jainagar Beet Range in Surajpur Division. Thus, within the division, the petitioner suffered many transfers. Now, by the impugned transfer order dated 30-07-2016, the petitioner has been transferred to another division, which led to filing

of this petition.

3. Learned counsel for petitioner submits that by such a direction, shifting of the petitioner firstly within the division itself thrice within a short period of less than 1 year and thereafter, transfer of the petitioner out of the division within 6 months has resulted in serious hardship. She submits that while transferring the petitioner from one division to another division vide order dated 30-07-2016, the fact that the petitioner suffered several intra-division shifting within a short period of six months, was not taken into consideration.

4. On the other hand, learned State counsel submits that earlier the petitioner was transferred within the Surajpur Division where the petitioner has remained posted since April 2015 and now in the year 2016, the petitioner suffered transfer from Surajpur Division to Ambikapur Division. He submits that the transfer of the petitioner has been made on administrative exigency and even transfer of the petitioner from one place to another within any particular division is not a transfer but only an arrangement under the same division.

5. Ordinarily, this Court would not interfere with the transfer order. It appears that the petitioner had suffered frequent transfer within Surajpur Division from April 2015 to January, 2016. Within a period of few months, the petitioner suffered three transfers. Now, the petitioner has again been transferred from one division to another division. The respondents-State shall examine this aspect of the matter from the point of view of frequency of transfer of the petitioner and decision shall be taken in the matter. Even if the respondents are of the view to post the petitioner in the same division or transfer him to another division, on administrative reasons, at least, till the end of the next transfer season, the petitioner shall not be shifted.

6. With the aforesaid direction, this petition is finally disposed off.

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