

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 301 of 2018

Smt. Heena Animesh Netam W/o Animesh Netam, Aged About 41 Years Posted
As Joint Commissioner, Land Records, Raipur, District Raipur Chhattisgarh,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration
Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur
Chhattisgarh, Chhattisgarh
2. Deputy Secretary, State Of Chhattisgarh, General Administration Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh,
District : Raipur, Chhattisgarh
3. Director, Land Record, Raipur, District Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh

---- Respondents

For Petitioner	:	Shri Raghavendra Pradhan, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

11/04/2018

1. Though the case is listed for orders on application for vacating stay, with the
consent of learned counsel appearing for the parties, the matter is being
heard finally as return has also been filed.
2. Challenge to the transfer order dated 27.12.2017 is based mainly on the
ground that within a short period of 6 months, the petitioner has been
subjected to transfer.
3. Learned counsel for the petitioner would submit that under the applicable
transfer policy dated 11.7.2017, normal tenure of stay is one year. However,

the petitioner has been subjected to transfer within 6 months without any administrative exigency.

4. Though, learned counsel for the State, referring to the averments made in the return, submits that the transfer was based on exigency of service, there is no material placed before this Court in the return to show that there existed any administrative exigency subjecting the petitioner to transfer within a short period of 6 months in violation of their own policy. As no reason has been assigned for deviating from the policy, the impugned order in relation to the petitioner cannot be sustained and is therefore set aside.
5. It has to be observed before parting with the case that after completion of normal tenure of posting at the present place, as per the applicable transfer policy, it will be open for the respondents to consider whether administrative exigency warrants petitioner's transfer.
6. The petition is accordingly allowed to the extent and in the manner indicated above.

Sd/-
(Manindra Mohan Shrivastava)
Judge