

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 792 of 2018

Kishor Kumar Baghel S/o Shri Gajanand Prasad Baghel , Aged
About 58 Years Posted As Assistant Grade -2, R/o Nehru Nagar
East Bhilai 83/6, District Durg Chhattisgarh., District : Durg,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Urban Administration And Development Department Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary, State Of Chhattisgarh Urban Administration And Development Department Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Joint Director, Urban Administration And Development Department Regional Office Durg District Durg Chhattisgarh., District : Durg, Chhattisgarh
4. Chief Municipal Officer , Municipal Council Kumhari District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents

For Petitioner : Mr. Pravin Dhurandhar, Advocate

For State : Mr. Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

23/01/2018

1. The transfer order dated 02-01-2018 is under challenge on the ground that while sending the petitioner to a core scheduled area, the respondents have not taken into consideration the petitioner is more than 55 years of age and under clause 1.5 of circular dated 03-06-2015, it has been provided that as far as possible, an employee more than 55 years of age may not be posted in core scheduled area.

2. Learned counsel for the petitioner would submit that the local body

has given favourable recommendation in favour of the petitioner. When and where an employee should be transferred is a matter for consideration of the Government. However, certain policies are framed and if there is an allegation of violation of policy, the matter is required to be examined on due representation. The petitioner has already preferred a representation on 09-01-2018. Let the competent authority decide petitioner's representation keeping in view the policy contained in clause 1.5 of circular dated 03-06-2015 that as far as possible, an employee more than 55 years of age may not be posted in a core scheduled area. If the petitioner submits the copy of this order before the authority within a period of two weeks, no coercive steps shall be taken against the petitioner to compel him for a period of four weeks.

3. Accordingly, the petition is disposed off. Sd/-

(Manindra Mohan Shrivastava)
Judge