

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1592 of 2018

Ashok Singh S/o Late Shri Ramakant Singh Aged About 55 Years
Occupation - Service Presently Posted And Working As Assistant Audit
And Taxation Officer, Janpad Panchayat Manendragarh District Koriya
Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat
And Rural Development Mantralaya Mahanadi Bhawan Naya Raipur
Chhattisgarh, District : Raipur, Chhattisgarh
2. The Joint Secretary, Department Of Panchayat And Rural Development
Mantralaya Mahanadi Bhawan Naya Raipur Chhattisgarh., District :
Raipur, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Koriya District Koriya
Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Manendragarh District Koriya
Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

...Respondents

For Petitioner	:	Mr. Sushil Dubey, Advocate
For State	:	Mr. Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

20.02.2018

Heard.

1. The present writ petition has been preferred assailing the order of transfer dated 11.01.2018 whereby services of the petitioner has been transferred from the Janpad Panchayat Manendragarh to Janpad Panchayat Bharatpur under District Koriya.

2. Learned counsel for the petitioner submits that the distance between two places are more than 150 km. He further submits that the order of transfer has been made without there being any administrative exigency inasmuch as so far as the Janpad Panchayat Manendragarh is concerned, there are 11 sanctioned

posts of Assistant Internal Audit & Taxation Officer of which as on day there were only two persons posted one being the petitioner and vide impugned order, the petitioner also is being transferred leaving the place at Manendragarh with only one A.E.A.O. He further submits that the petitioner's wife is also critically ill as she is suffering from heart ailment and in addition, the children of the petitioner are also studying and at this crucial juncture, if the transfer order is acted upon, the family would be put to great inconvenience and irreparable loss. He makes a prayer that atleast the petitioner may be permitted to remain in the present place of posting till the academic session is over.

3. Learned State counsel, however, opposes the prayer and submits that it is not a case where the impugned order has been passed in so far as the petitioner is concerned, all about 10 persons have been transferred by the impugned order and all the transfers have been made on administrative exigency and therefore, there is no scope of any interference.

4. Given the facts and circumstances of the case, particularly, considering the submissions put forth by the counsel for the petitioner, this Court is of the opinion that the transfer order has been made in January, 2018 which is otherwise considered, a crucial period, particularly in respect of persons whose children are under in education because of the forthcoming examination period. In addition, the documents show that the wife of the petitioner also is requiring medical attention.

5. Given the facts and circumstances of the case, the petitioner is permitted to make a representation to the respondents, particularly respondent No.2 giving details in respect of the inconvenience that would be caused to the petitioner if the transfer order is acted upon. If the petitioner makes representation within 10 days from today, the authority concerned i.e. respondent No.2 is directed to consider the said representation within a further period of 3 weeks thereafter. It is expected that the respondents shall maintain status quo as it exists today till the representation is not decided by the authority.

6. With the aforesaid direction, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge