

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2744 of 2018

Narendra Kumar Banjara S/o Shri Banshilal Banjara , Aged About
35 Years R/o Kachna Tahsil Raipur District Raipur Chhattisgarh.,
District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of
Revenue And Disaster Management Mahanadi Bhawan Mantralaya
New Raipur Police Station Rakhi District Raipur Chhattisgarh.,
District : Raipur, Chhattisgarh
2. Shri Kalidas Padhwar, Tahsildar , Kondagaon District Kondagaon
Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondents

For petitioner : Mr. Prateek Sharma, Advocate

For State : Mr. Majid Ali, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

02/04/2018

Heard.

1. The petitioner has filed this petition aggrieved by transfer order dated 22-03-2018 by which he has been transferred from Raipur to Kondagaon.
2. The transfer has been challenged on twin grounds firstly on the ground that the petitioner was transferred to Tilda to Raipur only recently vide order dated 11-10-2017 and within a short period of four months he has been again transferred. Secondly, that the petitioner has been elected as an officer bearer on State level president of Chhattisgarh Kanishtha Prashasnik Sewa Sangh thereafter, would be entitled to protection against the transfer atleast for three years.
3. It is revealed from the communication dated 22-03-2018 that the

petitioner was elected as State Level Office bearer in the meeting on the association on 10-03-2018, communication of which has been made to the Government only on 22-03-2018 and the order of transfer also has been passed on the same date which means that the petitioner's status of officer bearer was not in the knowledge of the State Government, thus, impugned order of transfer came to be issued. Since there is a policy of Government to exempt the office bearers from transfer for certain period, the case of the petitioner would require examination whether there are any overwhelming administrative exigencies to depart from the policy of the exemption of office bearer of the employees Union from transfer for a period of three years.

4. Let the matter be examined by the State in view of the aforesaid observation and decision may be taken within a period of six weeks. Till date decision is taken by the Government in the matter, the petitioner shall not be compelled to proceed on transfer under the impugned order.

5. Accordingly, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge