

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6857 of 2018**

Uderam Basant S/o Kirtan Basant Aged About 53 Years Occupation- Working As Forest Range Officer, Basna, Police Station And Tehsil Basna, District Mahasamund, R/o Moa Raipur, Choubey Colony, Ambedkar Ward, Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. District Election Officer-Cum-Collector District- Mahasamund, Chhattisgarh.
3. Divisional Forest Officer Mahasamund, District- Mahasamund, Chhattisgarh.
4. State Election Commission Through Secretary, Election Commission Office, Raipur, District- Raipur, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Aman Tamboli, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/10/2018**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 06.10.2018, whereby the petitioner has been transferred from the from the post of Range Officer, Mahasamund to the post of Post Officer, Bakaruma, Dharamjaigarh, District Raigarh Chhattisgarh
2. The contention of the petitioner is two folds firstly the petitioner has already been appointed as a Sector Officer at his present place of posting by the Election Officer, therefore the petitioner stands as a protected employee during the election period.
3. Moreover the petitioner also has been recently posted at the present place of posting from Basna i.e. the petitioner has joined the present

place of posting on 05.04.2018 i.e. just about 6 months time the petitioner has again been shifted to a different place.

4. Accordingly, this Court is of the opinion that considering the fact that he stands protected under the circular of the Election Commission of India so also the guidelines issued by the State Government so far as the election duties are concerned, and also considering the fact that the petitioner has been subjected to transfer in just about 6 months time, let the petitioner make a detailed representation in this regard to the respondent no.1 within a period of 15 days from today and on such representation being made the respondent no.1 shall thereafter consider the same on its merits keeping in view the circulars of the State Government and the transfer policy. Till the decision is taken, there shall be a stay of the effect & operation of the impugned order so far as the petitioner is concerned.
5. With the aforesaid observations, the present writ petition stands disposed off.
6. Certified copy today.

Sd/-
(P. Sam Koshy)
Judge

Ved