

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6894 OF 2018**

Selvaster Kujur S/o Kamli Kujur Aged About 59 Years Working As Block Education Officer Kasabel, R/o Ambikapur Road, Patthalgaon, P.S. Patthalgaon, District Jashpur Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector, Jashpur, District Jashpur Chhattisgarh.
3. District Education Officer, Jashpur, District Jashpur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri HS Ahluwalia, Advocate.
For Respondent-State	:	Shri RN Pusty, Govt Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.10.2018

1. The present petition has been filed challenging the order dated 04.10.2018 whereby the petitioner has been transferred from Kansabel to Pendra Road, Distt. Bilaspur.
2. The contention of the petitioner challenging the impugned order is that firstly the order is bad in law for the reason that the petitioner has got only about 8 months left for retirement and therefore under the transfer policy of the State Govt. itself he should not have been transferred. Moreover, the respondents have been bent upon transferring the petitioner from one place to another at frequent interval. According to the petitioner, the petitioner had been posted at Balrampur from Kansabel vide order dated 11.08.2017. Thereafter the petitioner was again attached to Jashpur headquarter from Kansabel vide order dated 28.03.2018 which was questioned in WPS No.3101 of 2018 in which interim protection has been granted in favour of the petitioner. Meanwhile, now the impugned order dated 04.10.2018 has been passed.

3. Without entering into the merits of the case and other issues raised by the petitioner, this court is of the opinion that since only short tenure of service is left for the petitioner and the policy of the State Govt. itself is not to transfer a person who has got less than one year of service left for retirement, this court is of the opinion that order impugned has been passed in violation of transfer policy of the State Govt.
4. Under the circumstances, let the petitioner make a detailed representation in this regard to the concerned respondent within a period of four weeks from today and the respondent authorities thereafter within a further period of three months take a final decision on the representation.
5. Meanwhile, the impugned order dated 04.10.2018 so far as posting of the petitioner is concerned shall remain stayed.
6. The petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy
Judge