

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6893 OF 2018**

B.L. Koka S/o Late Shri G. D. Koka Aged About 61 Years Occupation-Service, Presently Working As Assistant Director, Posted In The Office Of District Education Officer, Bilaspur, R/o House No. 244, Ward No. 5, Gandhi Nagar, Bilaspur, District- Bilaspur, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Directorate Of Public Education, Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer Composite Building, Nehru Chowk, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Smt. Tahsil Ekka Assistant Director Posted In The Office Of District Education Officer, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Malay Shrivastava, 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 06.10.2018 whereby the petitioner has been transferred from Bilaspur to Raigarh.
2. According to the petitioner, the petitioner has already completed 61 and ½ years of age and is to retire from service in the month of March, 2019 and as such there is just about five months service left for his retirement.
3. Given the said facts that there is only a short tenure of service 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 a strong case is made out to interfere with the impugned order dated 06.10.2018. Accordingly, let the petitioner make a detailed representation to the respondent authority in addition to the representation

that he has already made within a period of 30 days from today. The respondents in turn shall take a decision on the said representation within a further period of 3 months thereafter. While taking a decision, the respondent authority shall take into consideration the circulars of the State Govt. in respect of transferring of an employee who has got less than one year service for superannuation. Till the representation of the petitioner is decided by the respondents, there shall be a stay of the effect and operation of the impugned order so far as the petitioner is concerned.

4. The petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy
Judge