

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7540 of 2018

Dr. Nandani Prasad Mishra S/o Late Shri R.S. Mishra Aged About 63 Years R/o Collector Colony, Quarter No. G/1, Kabirdham, Police Station - City Kotwali, Tahsil And District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Livestock Development Department, Secretariat Mahanadi Bhawan, P.S. And Post Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Collector And District Returning Officer, Collectorate Office, Kabirdham, District Kabirdham Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate Mr. Santosh Kumar Pandey, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2018

1. The challenge in the present writ petition is to the order dated 06.10.2018 whereby the services of the petitioner has been transferred from the office of Deputy Director, Veterinary Services, District Kabirdham to the office of the Deputy Director, Veterinary Services, District Sukma.
2. The counsel for the petitioner raises two substantial grounds, firstly the petitioner being aged more than 63 years and according to the petitioner, as per the policy of the State Government itself, the persons/employees/officers, who have crossed the age of 55 years would not be transferred to the inaccessible schedule areas. By the impugned order the petitioner is being sent to one of the inaccessible schedule areas and which the respondents should not have done

and the order thus is violative of the policy of the State Government in this regard.

3. The second ground, which the petitioner has raised is that the petitioner has been appointed as a Zonal/Sector officer in the forthcoming assembly election and as per the instructions of the Election Commission of India as also the Government of Chhattisgarh, the persons who have been appointed as a Zonal/Sector officers would not be relieved or transferred till the election duties are over.
4. Given the aforesaid factual matrix of the case which are arising out of the policy of the State Government as also that of the Election Commission of India, it is ordered that let the petitioner make a detailed representation to the respondent No.1, who in turn shall taking into consideration the contentions raised by the petitioner both so far as the policy decision consider the age of the petitioner as also the instructions of the Election Commission of India, shall pass a suitable order at the earliest preferably within a period of 60 days. Meanwhile the effect and operation of the impugned order so far as the petitioner is concerned, shall not be given effect to, if it has not been till now executed.
5. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved