

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1325 of 2019

Dr. A.K.S. Ratre S/o Late Shri N. S. Ratre Aged About 65 Years
Posted As In-Charge Chief Medical And Health Officer, Balod, District-
Balod, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Health And Family Welfare, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.- 492002
2. State Of Chhattisgarh Through Upper Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.- 492002

---Respondents

For Petitioner	:	Mr. Dheeraj Kumar Wankhede, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/02/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 18.02.2019, whereby the petitioner has been transferred from Balod to Bastar. The petitioner substantially is working as a Chief Medical and Health Officer at District Balod.
2. According to the petitioner, his date of birth is 22.06.1954 and the petitioner, thus, is attaining the age of superannuation on 30.06.2019, as such, it is only about 4 months of service left for the petitioner to retire.
3. According to the petitioner, at this juncture, transferring the petitioner from Balod to Bastar would create great inconvenience, both to the

petitioner as well as to his family members and it would also has an adverse impact for quantification and finalization of his retiral and pensionary dues.

4. Given the limited submission that the petitioner has made and considering the total service period of 4 months left for the petitioner to retire, this Court is of the opinion that it is a fit case, where the case of the petitioner needs reconsideration by the respondent No.1 in the light of the policy decision of the State Government itself, wherein it has been envisaged that with service left of less than one year, the government employee should not be transferred.
5. Let the petitioner, in addition to the representation that he has already made, make a fresh representation within a period of 7 days from the date of receipt of the copy of this order along with all relevant documents to support his contentions and the respondent No.1, in turn, is directed to reconsider the case of the petitioner keeping in view the policy decision of the State Government, particularly taking note of the period of service left for the petitioner to retire.
6. Till the decision is taken by the respondent No.1, the effect and operation of the impugned order Annexure P/1 and any ex-parte relieving order, if any, shall also not be given effect to.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge