

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 1442 OF 2019**

Smt. Shanti Bajpai W/o Late Shri J K Bajpai Aged About 61 Years
R/o Q. No. 12, D N K Colony, Kondagaon, District Kondagaon
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Director, Urban Administration And Development Department, Directorate , Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Rajesh Tiwari Chief Municipal Officer, Municipal Council, Sarangarh, District Raigarh Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Sharwan Agarwal, Advocate
For State	:	Ms. Sunita Jain, Govt Advocate

Hon'ble Shri Justice P. Sam KoshyOrder on Board08.03.2019

1. The Challenge in the present writ petition is to the order of Annexure (P-1) dated 18.02.2019, whereby the petitioner, who is working on the post of Chief Municipal Officer at Nagar Panchayat Farasgaon, has been transferred to Municipal Council Pakhanjur.
2. The Counsel for the petitioner submits that the only ground of challenge is that the petitioner has got only 11 months of service left for retirement, therefore, at this juncture, respondents should not have transferred to the petitioner.
3. The Counsel for the petitioner refers to Annexure (P-3) which is copy of this service record which shows that date of birth of the petitioner is 15.02.1958 and as such the petitioner would be

attaining the age of superannuation on crossing the age of 62 on 14.02.2020 and as such the petitioner has got only around 11 months of service left.

4. Given the aforesaid facts and circumstances of the case, this court is of the opinion, that ends of justice would meet if the petitioner is directed to file a fresh representation to the respondent No. 1 who shall in turn, taking into consideration the fact that the petitioner has got only around 11 months of service left for retirement, also keeping in view the transfer policy framed by the State Government wherein it has been held that the transfer would not be made if the length of service left is less than 1 year, reconsider the order of transfer of the petitioner at the earliest.
5. Till the representation of the petitioner is decided by the Respondent No.1, effect and operation of the order, so far as the petitioner is concerned shall remain stayed.
6. The writ petition accordingly stands disposed off with the aforesaid direction.

Sd/-

(P. Sam Koshy)
Judge