

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1606 OF 2019**

Samir George S/o Late Shri Shishir Kumar George Aged About 58 Years
Presently Posted And Working As Superintending Engineer, Shivnath
Circle, Water Resources Division, Durg Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. Engineer In Chief Department Of Water Resources, Chhattisgarh, Raipur Chhattisgarh.
3. Chief Engineer Mahanadi Godawari Basin, Department Of Water Resources, Raipur Chhattisgarh.
4. F.H. Khan Executive Engineer, Water Resources, Construction Division, Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Rajeev Shrivastava, Advocate.
For Respondent-State	:	Shri Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.03.2019

1. The petitioner is aggrieved by the order of transfer dated 27.02.2019 whereby he has been transferred from the post of Superintending Engineer, Shivnath Division, Durg, to the post of Superintending Engineer, Dam Bridge Division, Rudri, Dhamtari.
2. The contention of the petitioner is that the petitioner was earlier transferred at the present place of posting on his own request vide order dated 09.08.2017. According to the petitioner, he had made a request for transfer to Durg on two grounds; firstly, since the petitioner has undergone Brain surgery and at the same time the petitioner's daughter is physically disabled to the tune of 75 percent and the State Govt. had acceded to the request of the petitioner and posted him at Durg. According to the petitioner, before completion of usual tenure of posting at Durg, the impugned order has now been passed transferring him from Durg to Dhamtari.

3. It is further contention of the petitioner that the petitioner is being replaced by a person who is only an Executive Engineer and has been asked to discharge the duties of Superintending Engineer and therefore it appears that the order has been passed to accommodate the respondent No.4.
4. Though the State counsel argues that the order has been passed on administrative exigency, but there was not justification for transferring the petitioner before completion of usual tenure at the present place when the previous order of transfer was on his own request.
5. In the opinion of this court, once when the State Govt. accedes to request of an employee for transferring at a particular post taking into consideration the reasons assigned in the request letter, under normal circumstances the employees should be permitted to remain in the same place for a usual tenure of two years. Unless there is a very grave and strong requirement, transfer of such employees/officers should not be made. In the instant case no such special circumstances have been spelt out while issuing the impugned order.
6. Given the said facts, this court is of the opinion that, let the petitioner make a fresh representation to the respondent No.1 in this regard within a period of 10 days from today supported with all relevant records and documents and the respondent No.1, in turn, shall take a decision on the said representation at the earliest.
7. It is further ordered that till the representation of the petitioner is decided by the respondent No.1, the effect and operation of the impugned order dated 27.02.2019 so far as petitioner is concerned, shall remain stayed.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge