

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 1804 of 2019**

Sandeep Kumar Pandey S/o Mani Shankar Pandey Aged About 40 Years Posted As Food Inspector, Korba, District Korba Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Food And Civil Supplies, Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Deputy Secretary State Of Chhattisgarh, Food And Civil Supplies, Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Collector Korba, District Korba Chhattisgarh.
4. Mukesh Kumar Agrawal Food Inspector, Presently Posted At Bijapur, District Bijapur Chhattisgarh.

**---Respondents**

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Mr. Syed Majid Ali, Advocate   |
| For State      | : | Ms. Astha Shukla, Panel Lawyer |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**18/03/2019**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 20.02.2019, whereby the petitioner has been ordered to be transferred from Korba to Bijapur.
2. The contention of the petitioner is that the petitioner has already been posted in a schedule area for quite sometimes and is again being transferred to another schedule area and as such the order is contrary to the transfer policy.
3. According to the petitioner, having worked in a schedule area for long, the respondents ought to have been given the petitioner a

choice of posting with his consent. The second ground on which the petitioner intends to seek indulgence of this Court is that the wife of the petitioner is in the advance stage of pregnancy and thereby at this juncture, transferring the petitioner would have an adverse impact on the health condition of his wife and therefore, he be retained at the present place of posting of few more months, so that he can take care of his wife better.

4. Given the limited grounds that the petitioner has made, let the petitioner make a representation to the respondent No.1 within a period of 10 days from the date of receipt of the copy of this order, in addition to any representation that he has already made and on such representation being made, let the respondent No.1 take a decision within a further period of 30 days taking into consideration the grounds that the petitioner has raised.
5. It is expected that the respondent No.1 would take a sympathetic consideration of atleast consider the case of the petitioner to be transferred to a nearby place.
6. Till the representation of the petitioner is decided by the respondent No.1, the effect and operation of the impugned order, so far as the petitioner is concerned, shall remain stayed.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-  
**(P. Sam Koshy)**  
Judge