

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2043 of 2019**

Rambharos Dhruw S/o Shri Late Thansingh Dhruw, Aged About 61 Years, Occupation Government Employee, At Present Posted As Chief Executive Officer At Janpad Panchayat Bastar, District Bastar Chhattisgarh,

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of Scheduled Tribe And Scheduled Caste Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
2. The Assistant Commissioner, Tribal Development Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Roop Naik, Advocate.
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25.03.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 08.03.2019 whereby the petitioner has been transferred from Janpad Panchayat, Bastar to the Office of Assistant Commissioner, Ambikapur.
2. Contention of the counsel for the petitioner is that at the present place of posting i.e. Janpad Panchayat, Bastar the petitioner has worked only for a period of 5 months and in a short span of time he has now been shifted from one end of the State to another end of the State. The

second ground for challenging the same is that the petitioner has got just about one year of service left as he is retiring in April, 2020.

3. State counsel, however, opposing the writ petition submits that the transfer of the petitioner has been made only on administrative exigency.
4. The petitioner was transferred from Kondagaon to Jagdalpur vide order dated 05.05.2018 but was relieved to join at Jagdalpur (Bastar) only on 04.10.2018 and he joined on 05.10.2018, as such the petitioner has put in less than 5 months of service at the present place of posting i.e. Janpad Panchyat, Bastar when he is now being transferred from Bastar to Ambikapur. The age of the retirement of the petitioner is also April, 2020.
5. Given the aforesaid two facts, let the petitioner make a detailed representation to respondent no.1 within a period of 15 days from today and respondent no.1 in turn shall reconsider the case of the petitioner and pass a fresh order keeping in view the age of the petitioner as also the short span of service that the petitioner has rendered at Bastar, within a period of 45 days from the date of receipt of representation of the petitioner.
6. Till the representation (if filed within 15 days) of the petitioner is decided, the effect and operation of the impugned order Annexure P-1 so far as the petitioner is concerned, shall remain stayed.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge