

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5629 of 2019**

Manoj Kumar Tamboli S/o Shri Sukhdev Prasad Tamboli Aged About 45 Years Occupation- Peon (Class-Iv), In the O/o Assistant Commissioner, Tribal Development, Korba, District Korba, Chhattisgarh, R/o Korba, I.T.I. Colony, Q. No. I-8, Ps Rampur, District- Korba, Chhattisgarh.--- **Petitioner**

Versus

1. The State of Chhattisgarh through the Secretary Department of Tribal Welfare Development, Mantralaya, New Raipur, District : Raipur, Chhattisgarh
 2. The Collector, Korba District- Korba, Chhattisgarh
 3. The Assistant Commissioner, Tribal Welfare, Korba, District- Korba, Chhattisgarh, District : Korba, Chhattisgarh
- Respondents**

For Petitioner	:	Shri Rohit Sharma & Mr. Sunil Kumar Soni, Advocates.
For Respondent-State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****31.07.2019**

1. The challenge made in this writ petition is to the order dated 12.07.2019, whereby the petitioner has been transferred from the office of Collector, Tribal Development, Korba to the Boys hostel of Scheduled Tribes , Arsiya Block Development, Pondi-uproda, Distt. Korba.
2. Learned counsel for the petitioner submits that the petitioner is working as Peon and his transfer is completely against the policy of the State as he belonged to the category of Class IV Employees and the said transfer order has been issued in contravention of clause 1.3 of the transfer policy of the State dated 27.06.2019 according to which, maximum 10 percent of total strength of Class-III and IV employee can be transferred at a time. Thus, he prays for setting aside of the impugned transfer order dated 12.07.2019.

3. Learned counsel for the petitioner further submits that the petitioner may be given liberty to make a representation to the Committee which has been constituted by the State Govt. vide order dated 11.07.2019, wherein the grievance of the transfer is being heard and till the representation of the petitioner is decided, the transfer order may not be made effective.
4. Perused the documents. Considering clause 1.3 & 1.8 of the transfer policy dated 27.06.2019 as also the fact that certain Committee has already been constituted by the State, it is directed that the petitioner may make a representation before the Committee within a period of 7 days from today and the Committee may decide the case of the petitioner within a further period of 45 days from the date of representation of the petitioner. Till the representation of the petitioner is decided, the transfer order of the petitioner would not be given effect to.
5. It is further made clear that this Court has not made any observations on the merits of the transfer order. The Committee, as has been constituted vide order dated 11th July, 2019, shall be free to take a decision with respect to the representation of the petitioner.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge