

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5608 OF 2019**

Smt. Meeta Banarjee W/o Shri D.K. Banarjee Aged About 60 Years Presently Posted As Assistant Grade-II At Office Of Assistant Commissioner, Tribal Welfare Development Korba, R/o Q.No. NG/ 19, New Rajshva Colony Korba District Korba (C.G.).

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Its Secretary Schedule Caste And Schedule Tribe Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.).
2. Collector Korba, District Korba (C.G.).
3. Assistant Commissioner Tribal Development Korba, District Korba (C.G.)
4. M.L. Suryawanshi Assistant Grade-II Office of the CEO, Janpad Panchayat Pali District Korba (C.G.).

... Respondent(s)

For Petitioner	:	Shri Ishan Verma, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, Dy. A.G.

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

1. The petitioner in the present writ petition is aggrieved by the order dated 12.07.2019, whereby the petitioner has been transferred from the office of Collector, Tribal Development, Korba to the Office of Chief Executive Officer, Janpad Panchayat, Pali, District Korba.
2. Learned counsel for the petitioner submits that 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. It is further contended that the petitioner would be attaining the age of superannuation after one year and three months and therefore as per clause-1.8 of the said transfer policy, the petitioner may not be transferred to other place. Thus, prayed 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; considering the fact that the petitioner is left with only one year and three months time for retirement and also taking into consideration the fact that one 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