

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 6473 OF 2019**

C.B. Swarnkar, S/o Late J.R. Swarnkar, aged about 56 years, posted as Assistant Grade-2, office of Engineer Water Resources Division, Raigarh, R/o Baikunthpur, Raigarh (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Department of Water Resources, Mahanadi Bhawan, Atal Nagar, District Raipur (CG)
2. Under Secretary, Department of Water Resources, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (CG)
3. Superintending Engineer, Office of Executive Engineer, Water Resources Division, Raigarh.
4. Executive Engineer, office of Executive Engineer, Water Resources Division, Raigarh (CG)

Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate
For Respondent-State	:	Mr. Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/08/2019

1. Challenge in the present writ petition is to the order of transfer dated 9.8.2019 whereby the services of the petitioner have been transferred from the office of Engineer, Water Resources Division, Raigarh to the office of Executive Engineer, Water Resources Division, Bijapur.
2. The two grounds which the petitioner has raised are: firstly, the order of transfer does not have the approval of the concerned Minister as is required under the transfer policy and, secondly, that the petitioner is aged more than 55 years and therefore as per clause 1.5 of the transfer policy he should not have been transferred to a scheduled area.
3. According to the counsel for the petitioner, the place where the petitioner is being transferred is not only a scheduled area but is a core scheduled area and that since he is over 55 years of age the respondents may reconsider his order of transfer.
4. Given the aforesaid facts and circumstances, let the petitioner within 10 days from today make an appropriate representation to respondent no.2 who in turn shall consider and decide the same within a period of 45 days from the date of receipt of the representation.

5. Till the representation is decided, the effect and operation of the impugned order shall remain stayed so far as the petitioner is concerned.
6. With the aforesaid, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

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