

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6530 of 2019**

R. L. Maitry S/o Shri Puniram Maitry, Aged About 59 Years, Working As Junior Account Officer, Office Of Assistant Commissioner, Tribal Development Korba, District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Aadim Jati Tatha Anusuchit Jati Vikas Vibhag, Mantralaya, Mahanadi Bhavan, Naya Raipur, Atal Nagar, District- Raipur Chhattisgarh
2. Collector, District Korba, Chhattisgarh
3. Commissioner, Aadim Jati Tatha Anusuchit Jati Vikas Vibhag, Indrawati Bhavan, Atal Nagar, District- Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Vindo Deshmukh, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28.08.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 14.08.2019 whereby the services of the petitioner have been transferred from the Office of Assistant Commissioner, Tribal Development Korba to the Office of Assistant Commissioner, Tribal Development Kondagaon.
2. The challenge is on the ground that the petitioner is more than 59 years

of age and he has got only about 3 years of service left and that the policy of the State Govt. itself says that as far as possible the persons who are over 55 years should not be transferred to a scheduled area but the present is a case where the petitioner is being sent to a core scheduled area. The second ground that the petitioner has raised is that of health ground. According to the petitioner, he is suffering from heart ailment from last two years and he is being treated in Shri Balaji Hospital, Raipur. He had to undergo implanting of 2 valves and he has to undergo periodical medical check up in the said hospital frequently. Another ground which the petitioner has raised is that the petitioner has been transferred from one scheduled area to another scheduled area. The petitioner at the present scheduled area has already worked for a pretty long time and therefore, he should have been considered for being transferred to a non scheduled area.

3. Given the aforesaid factual matrix of the case, let the petitioner make an appropriate representation within a period of 10 days from the date of receipt of certified copy of this order to the respondents who in turn shall consider the same and take an appropriate decision at the earliest preferably within a period of 45 days from the date of receipt of the representation. Meanwhile, the effect and operation of the impugned order, so far as the petitioner is concerned, shall remain stayed.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE