

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6669 of 2019**

Dhanush Singh Netam S/o Shri Veer Singh Netam, Aged About 56 Years, Occupation Service, Presently Posted As Sub Divisional Officer, PDW Division - II Jagdalpur, District Jagdalpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Works Department Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar Naya Raipur, District Raipur Chhattisgarh
2. Chief Engineer, Public Works Department, North Block, Sector 19, Indirawati Bhawan, Atal Nagar Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Public Works Department, Baster Region Jagdalpur, District Jagdalpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.
For Intervenor	:	Mr. Kishore Narayan, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30.08.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 17.08.2019. Vide the impugned order, the petitioner has been transferred from the Office of SDO, Sub Division No.II, Jagdalpur to SDO, Sub Division Dornapal.
2. The challenge is on the ground that the petitioner has been working in

scheduled areas for more than 10 years and he has already worked at the place where he is now being transferred vide the impugned order. Counsel for the petitioner submits that as per the transfer policy, a person who has already worked in a scheduled area should not be transferred again in a scheduled area whereas the petitioner now is being sent to a core scheduled area from a scheduled area. Another ground which the petitioner has raised is that in the transfer policy itself there is a clause of not to send the officers more than 55 years of age to a scheduled area and in the instant case, the petitioner has crossed the age of 56 years. Therefore, if at all, if the respondents intend to transfer the petitioner on administrative exigency, the respondents under the transfer policy ought to have considered posting of the petitioner to a non-scheduled area.

3. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation to the respondents within a period of 10 days from the date of receipt of certified copy of this order and the respondents in turn shall consider the same within a further period of 45 days from the date of receipt of the representation.
4. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.
5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge