

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8627 of 2019

S.N. Panigrahi S/o Late Shri B.P. Panigrahi Aged About 59 Years
Occupation- Senior Accounts Auditor Posted at Office of District Education
Office, Bastar District Jagdalpur, Presently Attached With Office of Joint
Director, Public Instructions Jagdalpur, District Bastar, Chhattisgarh.
--- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
2. The Director Public Instructions Indrawati Bhawan Atal Nagar, District Raipur, Chhattisgarh.
3. The Joint Director Public Instructions Bastar, District : Bastar(Jagdalpur), Chhattisgarh
4. The District Education Officer Bastar, District : Bastar(Jagdalpur), Chhattisgarh
--- **Respondent**

For the Petitioner : Mr. Avinash Mishra, Advocate.

For the Respondents : Mr. Priyank Rathi, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-10-2019

1. The grievance of the petitioner is that he is working as Senior Accounts Auditor and vide Annexure P-1 dt. 23.8.2019 he has been transferred from the Office of District Education Officer to Office of District Education Officer, Bijapur. It is contended that the petitioner was initially appointed in 1982 and since then he was posted in different offices of the Bastar District itself. In the year 1999 he was transferred to Dantewada and again came back to Bastar where he served in the office of respondent no.4 from

01.08.2008 to 05.09.2018 and thereafter he was attached to the office of respondent No.3, therefore, the petitioner had already served in scheduled area for a long time.

2. It is further contended that the petitioner is President of the Chhattisgarh State Employees Union and he should not have been transferred against the Policy of the State. He submits that as per clause 2.2 of Transfer Policy, the person who is willing to serve in scheduled area, cannot be shifted without his consent unless certain complaints are received and in his case, no complaints are pending. It is submitted that the petitioner is aged about 59 years and is about to retire in June 2022 therefore even considering the Transfer Policy of the State, he should not have been transferred. It is further submitted that the petitioner has made representations to the Committee working under the GAD on 27.08.2019 as also to respondent No.1 which are pending consideration.
3. Perused the documents. A perusal of the documents would show that right from the date of appointment, the petitioner is posted in scheduled area of Bastar and in the meanwhile, he had already served at core scheduled area of Dantewara for a period of 5 years. Further, as stated, the petitioner is an office bearer of the Chhattisgarh Karmachiri Sangh and as per Annexure P-3 the transfer policy of the State, the employee who is holder of post of Union cannot be transferred before the last three years of retirement.
4. Considering the fact that through out the service career, the petitioner was posted in scheduled area and core scheduled area and has not opted for transfer to anywhere and further considering

the fact that the petitioner has already made representation before the Grievance Reddressal Committee vide Annexure P-7, it is directed that the said said representation shall be considered and decided within a further period of 60 days from the date of receipt of copy of this order.

5. In the meanwhile, till the representation of the petitioner is decided, the impugned transfer order so far as it relates to the petitioner shall not be given effect to.
6. This writ petition accordingly stands disposed off.

Sd/-

**GOUTAM BHADURI
JUDGE**