

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****W.P.(S) No. 10771 of 2019**

Mahendra Kumar Yadu, S/o. Late S.L.Yadu, Aged About 57 Years, R/o.
Danteshwari Vihar, Kondagaon, District Bastar, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Principal Chief Conservator Of Forest, Aranya Bhawan, Raipur, District Raipur, Chhattisgarh
3. Divisional Forest Officer Keshkal, Forest Division Keshkal, District Kondagaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State/Respondents	:	Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****19.12.2019**

Heard

1. Grievance of the petitioner is that the petitioner who is posted at Badedongar, Forest Division Keshkal, District Kondagaon, which is a scheduled area has been again transferred to Koyalibeda, Forest Division West Bhanupratappur, which is a core scheduled area.
2. It is stated that the petitioner from 1989 till 2019 has been posted at different scheduled area & core scheduled area, which are shown as under :

S. No.	Year	Place of posting	Scheduled/Core scheduled area
1.	05.06.1989 (date of appointment as forest guard)	Bijapur, Indrawati National Park	Core Scheduled area
2.	November 1997 (Promotion on the post of Range Officer)	Working Plan Division, Kanker	Scheduled area
3.	2001 (Range Officer)	Manendragarh, Koriya, Forest Division, Manendragarh, District Koriya	Scheduled area
4.	2009 (Range Officer)	Forest Division Kondagaon	Scheduled area
5.	2014 (Range Officer)	Bhanupratapur Division, Range Officer Durgkondal, District Kanker	Core Scheduled area
6.	27.09.2016 (Range Officer)	Bhanupratappur, Durgkondal to Range Officer Badedongar, Keshkal, Forest Division Keshkal, Kondagaon	Scheduled area
7.	05.10.2019	Showing the petitioner posting in non scheduled area i.e. Range Officer, Baloda, Forest Division Janjgir-Champa To Range Officer Koylibeda, Forest Division, West Bhanupratappur, District Kanker	The petitioner is posted in scheduled area i.e. Badedongar Keshkal, District Kondagaon which is notified as scheduled area To Koylibeda, Kanker which is notified as core scheduled area

3. It is stated that the petitioner thereafter though posted in scheduled area by showing him posted at Janjgir-Champa again he has been transferred to a core scheduled area and according to the policy, the persons who are more than 55 years are not required to be posted at core scheduled area and further the person who have spent more time in scheduled area are required to be posted outside the scheduled area. It is stated that the said transfer order could not be communicated to the petitioner for the reason that the petitioner was not posted at Janjgir-Champa, whereas he was posted at Badedongar, Forest Division Keshkal, District Kondagaon; therefore, the transfer of the petitioner may be canceled.

4. Perusal of the document would show that the petitioner was continuously posted at some scheduled area or core scheduled area and as per the

policy, the person who are more than 55 years of age are normally not to be posted at core scheduled area and the petitioner is shown to be 57 years of age. Considering the fact that the petitioner has already spent considerable time in scheduled and core scheduled area and wrongly the petitioner has been shown to be posted at District Janjgir-Champa, again transferred to a core scheduled area and the petitioner is above 55 years, the petitioner is given a liberty to make a representation to the Grievance Redressal Committee within a period of 15 days from today and the Committee in turn shall decide the same within an outer limit of 60 days from the date of receipt of the representation. In the meanwhile, till the representation of the petitioner is decided, the transfer order of the petitioner shall not be given effect to.

5. With such observation, the petition stands finally disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Ashok