

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2324 of 2020**

- Chainuram Markam S/o Late D. R. Markam Aged About 43 Years Working As Agriculture Development Officer, At Officer Of Senior Agriculture Development Officer, Jagdalpur, District Bastar At Jagdalpur Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Agriculture Development And Former Welfare And Bio-Technology Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Dy. Director Agriculture, Jagdalpur District Bastar At Jagdalpur Chhattisgarh.

---- Respondentd

For petitioner : Mr. Somkant Verma, Advocate.

For State : Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****16-07-2020**

1. The petitioner was transferred from the office of Senior Agricultural Development Officer, Block Jagdalpur, District Jagdalpur to the office of Deputy Director, Agriculture, Bijapur which was subject of challenge in WPS No. 7394 of 2019 wherein this court has passed the following order:

“11.09.2019

- 1.The challenge in the present Writ Petition is to the impugned order Annexure P-1 dated 22.08.2019,

whereby the petitioner has been transferred from the Office of Senior Agricultural Development Officer, Block:Jagdalpur, District:Jagdalpur to the Office of Deputy Director Agriculture, District: Bijapur, (C.G.)

2. The ground of challenge is that, the petitioner has been transferred from a schedule area to core schedule area which is in contravention to the transfer policy of the State Government.

3. The counsel for the petitioner, on a query being put to the petitioner, he fairly admits that in the district Jagdalpur, he has already worked for more than 12 years.

4. Given the aforesaid facts, that, the petitioner has worked for more than 12 years in the same district. This Court does not find the impugned order of transfer to be bad-in-law. So far as the transfer of petitioner from schedule area to core schedule area, it is directed that the respondents to consider the case of the petitioner, if the petitioner makes a representation in this regard for posting him to a non- schedule area as per the transfer policy of the State.

5. Let this exercise be done/concluded as per the Transfer Policy within a period of 02 months from the date of receipt of representation of the petitioner in this regard.

6. Accordingly, the present Writ Petition stands disposed of".

Subsequently, the petitioner has made representation to the respondent and the said representation was dismissed by order dated 8-1-2020.

2. Learned counsel for the petitioner submits that though the petitioner has served more than 12 years in scheduled area

but again he has been transferred to core scheduled area, which is in contravention to the transfer policy of the State Government. Therefore, according to the Transfer Policy No.2.1, since the petitioner had already served considerable period in the scheduled area, he may be considered to be transferred to non-scheduled area. However, no such ground was considered while deciding the representation.

3. Learned State counsel on instructions would submit that the petitioner had joined his place of transfer on 12-6-2020 and further submits that the petitioner has not raised the ground in his representation that he served more than 12 years in scheduled area, therefore, such ground was not part of the representation while deciding the representation on 8-1-2020.
4. Perused the documents.
5. The petitioner having joined at the place of transfer on 12-6-2020, the said transfer order having already been executed, the same cannot be subjected to challenge. Since the petitioner states that he has served more than 12 years in scheduled area, the petitioner is at liberty to file afresh representation before the respondent No.1 to reconsider his placement in any non-scheduled area. On such representation being filed within a period of three weeks, the same shall be considered and decided by the respondent authorities within a further period of 90 days from the date of receipt of a copy of this order.

6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
J U D G E

Raju