

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 299 of 2020**

(Arising out of Order dated 24.06.2020 passed in WP(S) No. 2266 of 2020)

1. D. K. Rathore, S/o L.P. Rathore, Aged about : 62 years, presently posted and working as District Excise Officer, Chhattisgarh, Distilleries Private Limited Khapari, Kumhari, District: Durg, (C.G)

---- Appellant/Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Excise Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District: Raipur, (C.G.)
2. Under Secretary, State of Chhattisgarh, Excise Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District: Raipur, (C.G.)
3. Excise Commissioner, G.S.T. Bhawan, Atal Nagar, New Raipur, District: Raipur, (C.G.)
4. Yadunandan Rathore, present posted as District Excise Officer, Office at Divisional Flying Squad, Raipur Division, Raipur, District: Raipur, (C.G.)

---- Respondents

For Petitioner	:	Mr. Raghvendra Pradhan, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice P. Sam Koshy, Judge****Order on Board****Per. Justice P. Sam Koshy, Judge.****01.07.2020**

1. The present writ appeal has been filed assailing the order dated 24.06.2020 passed by the learned Single Judge in WPS No. 2266 of

2020. The challenge in the original writ petition was to an order of transfer dated 02.06.2020, whereby the petitioner was transferred from Chhattisgarh Distilleries Private Limited Khapari, Kumhari, District: Durg to the Office of Deputy Commissioner of Excise, Raipur.

2. The counsel for the petitioner assailing the said order took a ground of he being transferred with a short span of his service left, as the petitioner was left with about 5 months of service as he was to retire from service on 31.10.2020 i.e, just about five months prior to his retirement, the order of transfer was passed.
3. Perusal of the judgment passed by the learned Single Judge, particularly referring to paragraph 5 and 6, this Bench does not find any illegality or the view being contrary to the Service Rules governing the filed to have been taken by the learned Single Judge. Moreover, so far as the ground of the chance of the petitioner's retiral dues getting adversely affected, the learned Single Judge has considered this aspect and had directed the State authorities to ensure that the petitioner should not be put to any hardship on this count.
4. True it is that at the fag end of the service, an employee should not be transferred. The intention behind it is that the employee starts preparing himself to settle down in life on his retirement. However, in the instant case it has been rightly considered by the learned Single Judge that the distance between the two places of transfer is merely 10-15 Kms. Thus it is not going to cause any hardship to the petitioner in the course of complying with the order of transfer which fact has been visualised and considered by the learned Single Judge while reaching to a conclusion that the order does not warrant any

interference. That the Hon'ble Single Judge has also directed the State Government to ensure that the petitioner shall receives his entire retiral dues timely and the transfer should not be a ground for delay in releasing of the retiral dues.

5. This bench is also of the same view and reiterate that though we are not inclined to interfere with the impugned order, however, necessary steps should be taken by the State well in advance ensuring the timely release of his retiral dues.
6. With the aforesaid observation, this Court does not find any merits in the present writ appeal and the appeal thus stands rejected.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge