

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4085 of 2020**

- Gitesh Dutt Mishra S/o Late Kashi Dutt Mishra Aged About 58 Years Presently Posted As Assistant Food Officer, Food Section, Office Of Collector, Bemetara, Distt.- Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh
2. Under Secretary Food, Civil Supplies And Consumer Protection Department Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur,
3. Director Food And Civil Supplies And Consumer Protection, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Syed Majid Ali, Advocate
For State	:	Mrs. Sunita Jain, Govt. Advcate.

Hon'ble Shri Justice Goutam Bhaduri**Order****14-10-2020**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner has been transferred by order dated 11-10-2019 (Annexure P/1) from Bemetara to Balrampur. He would submit that

according to the transfer policy dated 27-6-2018 (Annexure P/5), an employee was given a right to file a representation before the Grievance Redressal Committee against the transfer as per clause 6 of the transfer policy. He would further submit that the petitioner has already filed a representation on 16-10-2019 (Annexure P/6) and the said representation of the petitioner has not been decided till date and the petitioner who has served more than 15 years in scheduled area again has been transferred to scheduled area which would be evident from the contents of the representation and apart from that, the wife of the petitioner is bed ridden and she is suffering from deficiency of blood platelets and her medical treatment is ongoing on a regular basis from Bhilai and if the petitioner is transferred to Balrampur, she would not get medical treatment which is available at Raipur and Bhilai. He would further submit that the petitioner is still working at Bemetara which would be evident from the pay slip for the month of September, 2020 issued by Office of Food Officer, Bemetara, right from the date of transfer and despite, the said representation has not been decided till date.

3. On the other hand, learned State counsel opposes the arguments advanced by learned counsel for the petitioner.
4. Perused the documents. The petitioner was transferred in the month of October 2019 and one year has passed. The

documents would show that again the petitioner has been transferred and as per Clause 6 of the transfer policy, the petitioner has made a representation before the respondent authorities wherein it is stated by the petitioner that he has already served more than 15 years in scheduled area and apart from that he is aged about 58 years and his wife is being treated for different ailments and if he is transferred to Balrampur, he would be required to work under the juniors. The said representation was received by the Committee on 18-10-2019. The payslip of the petitioner for the month of September, 2020 shows that the petitioner is still working at Bemetara and the said pay-slip has been issued from the Office of Food Officer, Bemetara

5. Considering the contents of the representation and the fact that the said representation has already been submitted to the Grievance Redressal Committee as per clause 6 of the transfer policy dated 27-6-2019 (A- P/5), it appears that some mechanism has been provided by the State and it has been available which need to be concluded to a logical end. Considering the facts and the contents of the representation wherein different grounds have been raised that the petitioner has already served in scheduled area for a considerable period, the wife of the petitioner is suffering from rare disease and fact that the petitioner would be required to work under the juniors if he is transferred to Balrampur, it is directed that till

the representation of the petitioner is decided, status quo in respect of transfer of the petitioner as exists today shall be maintained.

6. With the above observation, this writ petition stands finally disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Raju