

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4413 of 2020**

Suresh Nath Mishra S/o Late Kriparam Mishra, Aged About 61 Years 9 Months, Presently Posted And Working As Sub Divisional Officer (Forest), Udaipur, Surguja Forest Division, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
--- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Forest, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office and Police Station Naya Raipur Atal Nagar, District Raipur District : Raipur, Chhattisgarh
2. Principal Chief Conservator of Forest Chhattisgarh, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Conservator of Forest Surguja And Bilaspur Circle, Bilaspur District : Bilaspur, Chhattisgarh
4. Divisional Forest Officer Surguja Forest Division, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
--- Respondents

For the Petitioner : Mr. B. D. Guru, Advocate

For the State/Respondents : Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****28-10-2020**

1. Learned counsel for the petitioner submits that the petitioner is going to retire within a few months i.e., on 31.01.2021, however, his services have been directed to be attached from Sarguja to Bilaspur. He would submit that according to the Policy of the State, the persons who are due to retire within a year, they are normally to be posted in the home town. Therefore, the transfer of the petitioner which has been effected vide order dated 13.10.2020 is bad in law.
2. Learned State Counsel opposes the submission of the petitioner.

3. Perused the documents. Annexure P-2 would show that the petitioner is due to retire on 31.01.2021.
4. Considering the short time which left for retirement of the petitioner as he is going to retire on 31.1.2021 and since the State Transfer Policy facilitates the employees to be posted in their home town, if they are left with one year to attain the age of superannuation; it is observed that the petitioner, if so advised, may make representation to respondent no.1 within a period of 3 weeks and on such a representation being filed, the same shall be considered and decided within a further period of 45 days. It is further directed that till the representation is decided, the impugned order dated 13.10.2020 (Annexure P-1) shall not be given effect to.
5. With the above observation/direction, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**