

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No. 4546 of 2020**

1. Robertson Das S/o Late S.M. Das Aged About 45 Years R/o H.No.69/79, Near Shahnai Garden, Rohinipuram, Raipur, Chhattisgarh.,

---- Petitioner

Versus

1. State Of Chhattisgarh Through Director, Directorate Of Culture And Archeology, Mgm Museum, Civil Lines, Near Raj Bhawan, Raipur, Chhattisgarh.
2. Curator Office Of District Archeological Museum, Jagdalpur, Chhattisgarh
3. Devendra Kumar Thakur S/o Shri Arjun Singh Thakur Aged About 40 Years Data Entry Operator, Office Address- Curator Office, District Archeological Museum, Jagdalpur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Akash Kumar Kundu, Advocate.
For State	: Shri Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.11.2020**

1. The challenge in the present writ petition is to the order of transfer of the petitioner where the petitioner has been transferred from Raipur to Jagdalpur.
2. According to the petitioner, the guidelines of the State Government dated 27.05.2020 itself specifically reflect that the order of transfer should be passed in the case of extreme urgency not otherwise.
3. According to the petitioner, there is no urgency as such which has cropped up which led to the issuance of the order of transfer. The second contention of the petitioner is that the wife of the petitioner is a Nursing Sister and is working in the medical college at Raipur and

she is posted at Covid Ward where after every 14 days of duty, the spouse of the petitioner has to undergo isolation for 14 days and she again resumes duty for 14 days followed by 14 days isolation. In that situation during the stage of isolation it is the petitioner who has to take care of the minor children as also the aged mother dependent upon the petitioner. It was also the contention of the petitioner that recently the petitioner himself has been tested positive for coronavirus and he is still undergoing isolation.

4. It is further contention of the petitioner is that the place where the petitioner has been posted i.e. Jagdalpur, there is no post available of AG-II as it already stands occupied by some other employee and further that the person who is being ordered to replace the petitioner is not infact an AG-II but is a Data Entry Operator, which again would show that the order of transfer seems to have been passed in-order-to accommodate the respondent No. 3.
5. Be that as it may, conscious of the fact that the scope of interference by the Writ Court in a transfer matter is limited however since it is an administrative decision of the respondents and that there are periodical guidelines and policies framed by the State Government for transferring of an employee, it would be in the larger interest of justice, that the petitioner is directed to make a representation to the respondent No. 1 so far as his grievances against the order of transfer is concerned, particularly the grounds which are reflected in the preceding paragraphs. It is expected that the respondent shall take an appropriate decision on the said representation at the earliest preferably within a period of 4 weeks from the date of receipt of

representation of the petitioner. Let the petitioner make a representation within a period of 15 days from the date of receipt of copy of this order.

6. Till the representation is finally decided by the respondents, it is ordered that the order of transfer dated 15.10.2020 Annexure P/1 shall not be acted upon.
7. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**