

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4763 of 2020**

Rajeshwar Prasad S/o Gansharam, Aged About 61 Years, Occupation
Parikshetra Adhikari/ Enclosure Officer At Chando Vanmandal
Balrampur, District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Under Secretary, Forest
Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur,
District Raipur, Chhattisgarh
2. Chief Conservator Of Forest, Forest Department, Mantralaya,
Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur,
Chhattisgarh
3. Chief Forest Conservator, Surguja Ambikapur, District Surguja,
Chhattisgarh
4. Van Mandal Adhikari, Surguja Ambikapur, District Surguja,
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shakti Raj Sinha, Advocate
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20.11.2020**

1. The challenge in the present writ petition is to the order of transfer
dated 21.10.2020 whereby the petitioner has been transferred from
Balrampur to Manendragarh.

2. The challenge in the present writ petition is only on the ground that the petitioner has got just about a couple of months left for retirement as his date of superannuation is 28.02.2021 and that at the fag end of his career, the impugned order would create great inconvenience to the petitioner. Counsel for the petitioner submits that in recent past the petitioner was transferred from Balrampur to Raigarh which was subjected to challenge in WPS No. 7070/2019 and this Court vide order dated 09.09.2019 had stayed the effect and operation of the said transfer order considering the short tenure of service left for retirement of the petitioner. Though the said order was not acted upon by the respondents, however, by the impugned order, now when a still lesser period of time is left for retirement, the petitioner has been transferred from Balrampur to Manendragarh.
3. The State counsel opposing the petition submits that the transfer is an incident to service and in any case the petitioner has worked at the present place for a considerable period of time and even this Court had protected the petitioner on the earlier round of litigation, therefore, he should not be given the further benefit. Counsel for the State further submits that even otherwise the place where the petitioner has been transferred is not quite far away and therefore, prays for rejection of the writ petition.
4. The transfer policy of the State Govt. itself clearly reflects that it is not permissible for the employer to transfer an employee who has got less than one year of service for retirement. Thus, the case of the petitioner squarely comes within the ambit of the policy of the State Govt. and needs to be protected to that extent. Another reason why the

impugned order needs to be interfered at this stage is that the petitioner is at the fag end of his service career and it would not be advisable during this pandemic situation transferring the petitioner from one location to another, which would be arbitrary act on the part of the respondents.

5. Given the said facts, this Court is of the opinion that the impugned order deserves to be interfered at this stage and is accordingly held to be bad in law so far as the present petitioner is concerned. It is ordered that the respondents shall permit the petitioner to remain at the present place of posting for the remaining period of service which is just about less than 4 months time. The impugned order so far as the petitioner is concerned shall stand quashed.
6. The writ petition accordingly stands allowed and disposed of.

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