

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 570 of 2019**

- Sundar Lal Druw S/o. Late Shri Jagturam Dhruw Aged About 60 Years Occupation- Mukhya Prahari, District Jail Kanker, District Kanker Chhattisgarh. ----- **Appellant**

Versus

1. State Of Chhattisgarh Through- Secretary, Department Of Home (Police) Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
2. The Inspector General Of Police (Department Of Jail), Police Head Quarter, Atal Nagar, District Raipur Chhattisgarh.
3. The Superintendent Of Jail District Jail Kanker, District Kanker Chhattisgarh.
4. Nakul Ram Dhruw Mukhya Prahari Central Jail Jagdalpur, District- Bastar Chhattisgarh. --- **Respondents**

For Appellant	:-	Shri Avinash K. Mishra, Advocate
For Respondent-State	:-	Shri Ghanshyam Patel, G.A. and Shri Amit Bakshi, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Parth Prateem Sahu
Order On Board**

By

Prashant Kumar Mishra, J.

30/01/2020

1. Challenge before the Writ Court was to the order of transfer dated 23.08.2019 whereby the appellant, who is working as the Chief Warder (*Mukhya Prahari*) has been transferred from Kanker to Jagdalpur.
2. Admittedly, the appellant has left only 14 months of service before he attains the age of superannuation. It is argued that appellant has worked for about 10 years at the present place of posting and before that he was posted at Jagdalpur. Both the places are within scheduled areas, therefore, if at all, appellant was required to be transferred, his case should have been considered for transfer to a non-scheduled area.
3. Drawing our attention to clause 1.8 of the transfer policy, it is argued that when less than 01 year remains for superannuation, the employee should be posted at a place near his native place. It is also argued that under the State Government's policy dated 03.06.2015, concerning posting at scheduled areas, it is provided that an employee who is more than 55 years of age shall be exempted from posting in scheduled area. Our attention is also drawn to the order passed by the Writ Court in a similar matter bearing WPS No.6669 of 2019 in the matter of **Dhanush Singh Netam Vs. State of Chhattisgarh & Ors.**
4. Considering the entire fact situation of the case and for the

fact that appellant is a lowly paid employee and is on the verge of attaining age of superannuation, we direct the Government to consider his representation against the order dated 23.08.2019 within the ambit of the transfer policy as well as the policy pertaining to posting in scheduled area. The representation shall be submitted within 04 weeks from today and the same be considered objectively and decided by a reasoned order within next 08 weeks.

5. Till the representation is decided the transfer order dated 23.08.2019 shall remain stayed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Parth Prateem Sahu)
Judge

Ayushi