

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1079 of 2021**

Ajay Saloman Asna S/o Late Shri S. Asna, Aged About 61 Years R/o - House No. 197, Gopal Marg Mother Teresa Ward, Jarhabhata, Manjhuwapara, Ward No. 12, District - Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, New Raipur, District - Raipur Chhattisgarh.
2. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District - Raipur, Chhattisgarh.
3. Collector - Bilaspur, Collectorate Building, District - Bilaspur, Chhattisgarh
4. District Education Officer, District - Bilaspur, Chhattisgarh.
5. Block Education Officer, Sirgitti (Bilha), District - Bilaspur, Chhattisgarh.
6. Principal, Government Middle School Hiranagar, Sirgitti, Bilha, District - Bilaspur, Chhattisgarh
7. Jagmohan Singh Paikra S/o Late Shri Mohar Singh Paikra, R/o - Maharani Laxmi Bai Government Girls Middle School, Tahsil - Champa, District - Janjgir - Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anupam Dubey, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

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

16/02/2021

1. The challenge in the present writ petition is to the order of transfer dated 01.10.2019 Annexure P/1 whereby the petitioner working on the post of Head Master has been transferred from Govt. Middle School, Hiranagar, Sirgitti, Bilha, District Bilaspur to Maharani Laxmi Bai Govt. Girls Middle Shcool, Champa, District Janjgir-Champa.
2. It appears that the impugned order Annexure P/1 was an order which was passed on the administrative ground. However, the person who

was coming in the place of petitioner i.e. respondent No.7 Jagmohan Singh Paikra being aggrieved by the said order of transfer had challenged the same by way of WPS 8635/2019. This Court vide order dated 18.10.2019 disposed of the writ petition granting liberty to the said employee to approach the Grievance Redressal Committee by way of a suitable representation and till the representation is decided, the order of transfer would not be given effect to. The representation so made by the respondent No.7 now stands decided vide Annexure P/4 dated 14.01.2021 whereby the representation of respondent No.7 has been rejected and thereafter the consequential order of relieving the respondent No.7 has been issued on 03.02.2021.

3. What clearly strikes the mind of this Court is that though the order of transfer was issued as early as on 01.10.2019 on the administrative ground and the respondent No.7 was being replaced at the place where the petitioner was posted, the order dated 01.10.2019 was not challenged by the petitioner at any point of time during the intervening period and this by itself forces this Court to draw an inference that the order of transfer was acceptable to the petitioner.
4. However by passage of time now only 7 months time is left for the petitioner to retire from service and a shifting of the petitioner at this time would have an adverse impact on the petitioner.
5. The only recourse available to the petitioner would be to approach the Grievance Redressal Committee or the respondent No.1 by making a suitable representation highlighting the inconvenience that the petitioner would face and also highlighting the fact that the petitioner has got only 7 months of service left for his retirement.

6. In case the petitioner makes an appropriate representation both to the respondent no.1 as also to the Grievance Redressal Committee, the Authorities concerned are expected to take a decision sympathetically so far as the transfer/posting of the petitioner is concerned.
7. Considering the short tenure of service left for the petitioner before his retirement, it would not be in the interest of either the petitioner or in the interest of the State in implementing the impugned order (Annexure P/1) dated 01.10.2019 now so far as the petitioner is concerned. The respondents are directed to consider accommodating the petitioner at the same place, so that his pension papers that must have already been processed, can be finalized without any further complications.
8. The petitioner is directed to approach the respondents No.1 & 4 by way of a suitable representation within a period of one week highlighting these aspects and the respondents in turn shall take an expeditious decision on the representation sympathetically considering the short tenure of service left for the petitioner for retirement.
9. Till a decision is taken, let status-quo as it exists today so far as the petitioner place of posting is concerned, be maintained.

Sd/-
(P. Sam Koshy)
Judge

Ved