

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1276 of 2021**

Gajman Ram Kashyap S/o Late Masu Ram Kashyap, Aged About 59 Years, Presently Working As Ranger At Special Duty, Bastar Forest Division, Bastar, District Bastar, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Chief Conservator Of Forest, Aranya Bhawan, Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh
3. Conservator Of Forest, Jagdalpur, Bastar Forest Division, District Bastar, Chhattisgarh
4. Divisional Forest Officer, Bastar, District Bastar, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.03.2021**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 11.02.2021 whereby the petitioner has been transferred from Bastar to South Kondagaon.
2. The challenge in the present writ petition is primarily on the ground that the petitioner has got a bad health condition inasmuch as in the year 2019, the petitioner suffered from paralytic attack and as on date the

petitioner is not able to move freely without support of others. The second ground of challenge is that the order of transfer is in violation to the transfer policy inasmuch as the same has not been routed to the Coordination Committee. It is contended that the petitioner has got just about 2 ½ years of service left for his retirement and therefore at this fag end of his service career the petitioner should not be transferred. Another ground of challenge is that the petitioner has been transferred from a scheduled area to a core scheduled area and as per the transfer policy, having worked for a considerable period in a scheduled area, the petitioner should have been transferred to a non-scheduled area. The petitioner along with the writ petition has produced the documents in support of his health condition.

3. Considering the documents so produced by the petitioner in the present writ petition this Court is of the opinion that as regards the change of place of posting or modification to the impugned order, the same is well within the domain of the respondent no.2 to pass an order.
4. Let the petitioner make a detailed representation supported with his health condition and also other grounds available including the transfer policy, within a period of 15 days from today and the respondent no.2 in turn is expected to take a decision on the said representation within a further period of 30 days time.
5. Meanwhile, purely as an interim measure, if the impugned order has not been given effect to, let status quo as it exists today so far as the posting of the petitioner is concerned be maintained for a period of 30 days or till the representation of the petitioner is decided, whichever is earlier.
6. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge