

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 50 of 2021

(Arising out of the order dated 09.02.2021 passed by the learned Single Judge in WPS No. 888 of 2021)

- Hitesh Nag S/o Shri Jitendra Nag Aged About 36 Years Posted As Senior Horticulture Development Officer, Directorate, Naya Raipur Chhattisgarh. R/o Manorath Manvi Vihar, Amlidih, Raipur, District Raipur Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Chief Secretary, General Administrative Department, Mantralaya, Raipur, Post And P.S. Rakhi, District Raipur Chhattisgarh.
2. The Under Secretary Agriculture Development And Farmer Welfare And Biotechnology Department Raipur, District Raipur Chhattisgarh.
3. The Director Directorate, Horticulture And Farm Forestry Department, Raipur District Raipur Chhattisgarh.
4. Commissioner Agriculture Production Agriculture Development And Farmer Welfare And Biotechnology Department, Mahanadi Bhavan, Mantralaya Naya Raipur, Atal Nagar Naya Raipur, Raipur District Raipur Chhattisgarh.

---- Respondents

For Appellant	:	Mr. Mayank Chandrakar, Advocate
For Respondents/State	:	Mr. Ashish Tiwari, Government Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Parth Prateem Sahu, J.

25.02.2021

1. Declining interference with the order of transfer dated 23.01.2021 (Annexure-P/2) by the learned Single Judge vide impugned order dated 09.02.2021 made the Petitioner to approach this Court by filing the appeal.
2. Learned counsel for the Appellant submits that inadvertently the learned Single Judge has recorded that the Appellant is posted since

past 7 years in the present place of posting, which is not correct. He submits that the Appellant has been posted in the present place of posting only on 25.10.2017, earlier he was posted in the scheduled area at Jagdalpur from May, 2013. He further points out that as per the Transfer Policy itself the transfer is to be effected from the month of July to August, whereas the impugned transfer order has been effected only in the Month of January, 2021. As per Clause 3.1 of the Transfer Policy, only in extreme administrative exigency the transfer is to be made within the co-ordination of the Committee constituted by the State Government. He also points out that his wife is working as a Staff Nurse in Bhim Rao Ambedkar Government Hospital, Raipur, she has to discharge shift duty and she has been specially deputed with the Covid ICU Centre, besides this, he is having the old age parents and a minor child aged about five years. He submits that he has brought to the notice of the authorities by filing a representation on 29.01.2021, which till date is under consideration and is not decided by the authorities. He further points out that as per the Circular issued by the State Government, charge of higher post is to be given to the Senior Officers only and as per the gradation list annexed with the writ petition, he is at Sl. No. 19 and above him there are 18 more Senior Officers, who could be posted as Incharge Deputy Director at Sukma, District – Sukma. He submits that in the very place of posting where the Appellant has been transferred, one Ramchandra Rao has now been posted as Incharge Deputy Director on 24.02.2021 and therefore, in view of the

order passed on 24.02.2021, there may not be any administrative exigency for posting of the Appellant.

3. Shri Ashish Tiwari, learned counsel for the State submits that from perusal of the order of transfer (Annexure-P/2) itself, it is clear that the order of transfer has been passed under extreme administrative exigencies, as the transfer order has been effected only after placing the proposal before the Co-ordination Committee headed by the Hon'ble Chief Minister and therefore, the impugned transfer order does not call for any interference.
4. We have heard learned counsel for the respective parties.
5. Taking into consideration that the Appellant being a Government Servant has already made a representation before the Competent Authority for consideration, raising all his grievances, which till date has not been decided or considered by the Respondent-Authorities, without commenting anything on the merits of the case, we find it appropriate to direct the Respondent-Authorities to consider the representation filed by the Appellant on 29.01.2021 before the 4th Respondent within a period of three weeks from the date of receipt of a copy of this order. Till then, the '*status quo*' with respect to posting of Appellant shall be maintained.
6. In view of the aforementioned, the writ appeal stands disposed of.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge