

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2708 of 2021**

1. Mohammad Imran Akhtar S/o Mohammad Idrish Khan Aged About 34 Years
Occupation Child Development Project Officer, Makadi, Presently Posted At
Child Development Project Officer, Makadi District Kondagaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Women And Child
Development, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur
District Raipur Chhattisgarh
2. The Director Women And Child Development Department, Atal Nagar District
Raipur Chhattisgarh
3. The Commissioner Bastar Division, District Bastar Chhattisgarh
4. The Collector District Kondagaon Chhattisgarh

----Respondents

For Petitioner	:	Shri Sunil Tripathi, Advocate.
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.06.2021**

1. Aggrieved by the order of transfer dated 19.05.2021 transferring the
petitioner from District Kondagaon to District Sukma, the present writ
petition has been filed.
2. The Contention of the Counsel for the petitioner is that right from the
time of his office appointment, the petitioner has been working in core
areas. As per the policy of the respondents/State after having worked
at a particular period of time in a core area, the employee is entitled to
be posted at a place of his choice or at-least in a non schedule area.
However, in the instant case on the contrary the petitioner is being sent

from one core area to another core area. Counsel for the petitioner also submits that it is only recently that the petitioner became father and has a two months old child to take care of and at this juncture, if petitioner is made to comply with the order of transfer, the family of the petitioner may face great hardship and inconvenience. It is also the contention of the counsel for the petitioner that there has been no reliever sent in place of the petitioner at Kondagaon and as such even if the petitioner is granted an interim protection for a limited period, no one else is going to get affected or disturbed.

3. The State Counsel on the other hand opposing the petition submits that it is a case where order of transfer has been made on administrative exigency taking into consideration the requirement of officer at particular place of posting. Moreover, it is not a case where the petitioner has been subjected to frequent transfer, the petitioner seems to have completed his normal tenure at the place of posting and as such it can not be said to be contrary to the transfer policy also.
4. Having heard the contentions put forth on either side and on perusal of records, if the pleading of the petitioner is to be believed, admittedly the petitioner has been working in a schedule area and core schedule area for long. The respondents themselves have framed a policy whereby having worked for a considerable period in schedule area and core schedule area, such employee has to be accommodated by giving them choice of posting or at-least posting them in a non schedule area.
5. Knowing fully well that the right stands vested only with the respondents to decide when, where and for what duration, an employee has to be posted. Considering the policy of the State Government themselves, the petitioner is directed to make a

representation to the respondents No. 1 & 2 within a period of seven days from today. Upon receipt of the representation, if made within 7 days, the respondents No. 1 & 2 may consider the representation on its own merits in accordance with the policy governing the field and the administrative exigency that arises within a further period of three weeks from the date of receipt of representation of this petitioner.

6. Purely as an interim measure, subject to the petitioner filing a representation within seven days from today, the effect and operation of the impugned order so far as the petitioner is concerned shall not be given effect to for the period of three weeks from the date of the receipt of the representation or a decision on the said representation whichever is earlier.
7. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge