

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4375 of 2021**

1. Manoj Singh Thakur S/o. Paisaha Singh Thakur, Aged About 33 Years R/o Durga Nagar, Birgaon, Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh)
2. Sub Divisional Officer, Water Resources Department, Mahanadi Aayakat (Cada), Sub Division Raipur, District Raipur Chhattisgarh

----Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.08.2021**

1. The present petition has been filed, aggrieved by the order of transfer dated 28.08.2020 by which the petitioner who is substantively a Sub Engineer (Civil), has been transferred from Raipur to Bijapur.
2. The Solitary ground on which the challenge has been made is that the petitioner being a District Level Secretary of the Chhattisgarh State Class-III Government Employees Union being the District Secretary for District Raipur is entitled to have the protection from being transferred during the first tenure of his holding the post of Secretary of the Union at the District Level. The petitioner in the instant case is said to have been elected/ nominated vide order dated 07.08.2020.

3. Another fact which has been brought to the notice of the Court by the petitioner is that though the order of transfer was issued on 28.08.2020 till date the order of transfer has not been served upon the petitioner. Now after a period of about 1 year from the date of issuance of the order of transfer, suddenly the Higher Authorities in the department have started issuing instructions seeking compliance of the order of transfer issued on 28.08.2020.
4. Given the entire facts and circumstances of the case, let the petitioner make a suitable representation to the respondent No. 1 in-respect-of the transfer of the petitioner being made vide order dated 28.08.2020 highlighting the fact that he is one of those employees who is entitled for the protection being an office bearer of a registered trade union. Let a representation be made within a period of seven days from today. The respondent authorities inturn shall decide the same on its own merits keeping in view the circular of the State Government in this regard at the earliest preferably within a period of 45 days, till then let status quo as it exists today so far as posting of the petitioner is concerned be maintained.
5. Accordingly, the present writ petition stands disposed off.

Sd/-
P. Sam Koshy
Judge