

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4475 of 2021**

Rajendra Kumar Sahu S/o Late Shri Karthik Ram Sahu, Aged About 51 Years, Posted As Peon, Nagar Panchayat Kurud, District Dhamatari, R/o Ward No. 10, Indira Nagar, Kurud, District Dhamtari Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, General Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. The Chief Municipal Officer, Nagar Panchayat, Kurud, District Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anoop Majumdar, Advocate
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25.08.2021**

1. The present writ petition has been filed being aggrieved of the impugned order Annexure P-1 whereby the services of petitioner have been transferred from Nagar Panchayat, Kurud, district Dhamtari to Nagar Palika Parishad, Jashpur which is more than 500 kilometers away from the present place of posting of the petitioner.
2. Learned counsel appearing for petitioner submits that the petitioner is a Class-IV employee working as a Peon and has now been transferred to a foreign department. Moreover, the petitioner substantively is an employee of Nagar Panchayat, Kurud, district Dhamtari and therefore, the services of petitioner could not have been transferred to Nagar Palika Parishad, Jashpur. He submits that if at all if the respondents had to shift the

petitioner from the present place of posting, they could have considered accommodating the petitioner in a place nearby Kurud, District Dhamtari and prays for an appropriate direction in this regard to the respondents.

3. State counsel, on the other hand, submits that so far as the place of posting and the tenure of posting are concerned, they are exclusively within the domain of the State authorities and that the services of petitioner is otherwise a transferable service. If at all if the petitioner has any grievance, he may make a suitable representation which shall be considered by the authorities on its own merits.
4. Having heard the contentions put forth on either side and on perusal of records particularly taking note of the fact that the petitioner is a low paid Class-IV employee working as a Peon, the writ petition at this juncture stands disposed of directing the petitioner to prefer a suitable representation before the respondent authorities in respect of the impugned order of transfer dated 06.08.2021. Let the petitioner make a suitable representation within a period of 10 days from today and the respondent no.1 in turn may consider the representation on its own merits at the earliest preferably within a period of 45 days from the date of submission of the representation by the petitioner. The respondent authorities can also think of modifying the order of posting of petitioner to a nearby place so that the petitioner does not have much inconvenience in complying with the order of transfer. For this 45 days period, let status quo as it exists today, so far as the posting of petitioner is concerned, be maintained.
5. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**