

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 5743 of 2021**

1. Vijay Pandey S/o Late Jhumuk Lal Pandey Aged About 61 Years Working as Health Officer Nagar Palika Nigam (Municipal Corporation) Raipur, Chhattisgarh.

**---Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through Its Secretary, Department of Urban Administrative and Development Department, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Chhattisgarh.
2. Commissioner Municipal Corporation, Raipur, Mahatma Gandhi Sadan, Near Old Congress Bhawan, Raipur, Chhattisgarh.

**---Respondents**

|                       |   |                                   |
|-----------------------|---|-----------------------------------|
| For Petitioner        | : | Shri Vinod Deshmukh, Advocate.    |
| For Respondents-State | : | Shri Shubham Verma, Panel Lawyer. |
| For Respondent No.2   | : | Shri Sudeep Agrawal, Advocate.    |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**07.10.2021**

1. Aggrieved by the order dated 30.09.2021, the present writ petition has been filed. Vide the said impugned order, the petitioner has been transferred from Municipal Corporation, Raipur to Municipal Corporation Ambikapur.
2. The petitioner has been working on the post of Health Officer. It has been contended by the petitioner that just about one year of service left for the petitioner to retire. According to the petitioner, he would be retiring on attaining the age of superannuation in November, 2022. Thus, as per the transfer policy the petitioner should not had been transferred by the respondents. Further contention of the petitioner is that the petitioner has been posted at the present place of posting i.e. at Municipal Corporation, Raipur only vide Annexure P/3 dated 20.08.2020 upon which the petitioner gave his joining on 24.08.2020 and in just about an year time the petitioner has again been transferred.

3. It is the contention of the petitioner that before coming to the present place of posting at Raipur the petitioner was working at Nagar Panchayat Fingeshwar from where the petitioner was transferred to Municipal Corporation Ambikapur on 15.01.2020 which too the petitioner complied with and where the petitioner worked only around eight months when he was again transferred from Ambikapur to Raipur and in another one year time he has again been shifted.
4. Considering the aforesaid two contentions which the petitioner has raised, the writ petition at this juncture stands disposed of permitting the petitioner to prefer a suitable representation to the respondent No.1 within a period of ten days, in addition to any representation which he has made in the past. Subject to petitioner making fresh representation within 10 days from the date of receipt of copy of this order, the respondent No.1 shall consider the representation of the petitioner in accordance with transfer policy governing the field at the earliest preferably within a further period of 60 days. Meanwhile, purely as an interim measure there shall be stay of the effect and operation of the impugned order dated 30.09.2021 so far as petitioner is concerned.
5. The writ petition accordingly stands disposed of.

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