

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.5794 of 2021**

- Hemshankar Kumhar S/o Shri M. R. Kumhar Aged About 43 Years Working As Sub- Engineer At Nagar Panchayat, Gurur, Balod, District- Balod Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development, Department, Mahanadi Bhawan, Atal Nagar New Raipur Chhattisgarh.
2. Join Director Urban Administration And Development Raipur, District- Raipur Chhattisgarh.
3. Ku. Laxmi Kothari Working As Sub- Engineer At Municipality Dallirajhara Balod, District- Balod Chhattisgarh.

---- Respondents**Present:-**

Shri Somkant Verma, counsel for petitioner.
Ms. Sunita Jain, Panel lawyer for State.

Single Bench: Hon'ble Shri Justice Sanjay S. Agrawal
Order On Board

27/10/2021

1. The challenge in the present petition is to the order of transfer dated 30-09-2021 (Annexure P-1), whereby the petitioner has been transferred from Nagar Panchayat-Gurur, District Balod to Nagar Panchayat Pharasgaon, District Kondagaon.
2. The contention of the petitioner is that the respondents vide their instructions dated 14-08-2019 have extended the transfer period from 14-08-2019 to 23-08-2019 and thereafter, there shall be a complete ban, however, the impugned order has been passed during the ban period i.e. on 30-09-2021, which is *per se* contrary to their own policy. Learned counsel for the petitioner submits further that since the earlier transfer order has been

passed in contravention to the clause mentioned in the Transfer Policy and therefore, the same deserves to be set aside.

3. On the other hand, learned State counsel, while inviting attention of this Court to the Clause-6 of the Transfer Policy, 2019 (Annexure P-2), submits that since the Committee has already been constituted by the State Government to consider the grievances of the employees, if they have been transferred contrary to the said transfer policy, therefore, without approaching the said Committee, the petitioner has filed this petition, which deserves to be rejected.

4. Having considered the submission of learned counsel for the parties and considering further that as the petitioner has already approached this Court within a period of 15 days from the date of issuance of alleged transfer order dated 30-09-2021, I, therefore, direct the petitioner to make an appropriate representation for the redressal of his grievance before the Committee as constituted under Clause 6 of the State Transfer Policy within a period of 10 days from the date of receipt of a certified copy of this order and the concerned Committee, in turn, shall consider and decide the same within a period of 45 days from the date of receipt of the representation.

5. Till the representation of the petitioner is decided, the effect and operation of the impugned order dated 30-09-2021 (Annexure P-1), in so far as the petitioner is concerned, shall remain stayed.

6. With the aforesaid observation, this writ petition stands disposed of.

**SD/-
(Sanjay S. Agrawal)
Judge**