

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5170 of 2020**

Deepak Kumar Netam S/o Shri Rajendra Kumar Netam Aged About 33 Years R/o Village Singhlapara, Post Kukrel, Tehsil Nagri Sihava, District Dhamtari Chhattisgarh

---- Petitioner**Versus**

State Of Chhattisgarh Through The Secretary, Department Of Water Resources , Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur Civil And Revenue District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Yashwant Thakur, Advocate
For State	:	Mr. Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/01/2021**

1. The challenge in the present writ petition is to the order of transfer dated 28.08.2020, whereby the services of the petitioner has been transferred from one difficult scheduled area to another difficult scheduled area.
2. According to the petitioner, he was presently working as a Sub-Engineer under the Water Resources Division, at Narayanpur and vide the impugned order he has now been transferred to the Water Resources Department at Bhairamgarh, District Bijapur. According to the petitioner, though the said places are considered by the State Government themselves to be difficult scheduled area and there are guidelines issued by the State Government that upon an employee being posted in a difficult scheduled area, thereafter he

should be tried to be accommodated to a non-scheduled area. Contrary to which the petitioner now has been again transferred to a difficult scheduled area. Thus, it violates the guidelines of the State Government.

3. This Court at the outset is of the opinion that since the order of transfer was issued almost 5 months back i.e. on 28.08.2020, interfering with an order which was passed almost half an year ago would not be in the interest of justice at this juncture. Moreover, tenure of an employee/officer is purely within the domain of the State Government or the employer and it is they who have to decide the place of posting or a tenure of a government employee/officer. True it is that there are guidelines of the State Government which has to be borne in mind while shifting an employee/officer from one place to another, but those guidelines and policies do not have a statutory force or a force of law which could be invoked exercising the writ jurisdiction of this Court under Article 226 of the Constitution of India.
4. The only recourse available to the petitioner is to approach the authorities by way of a suitable representation expressly showing the inconveniences that the petitioner shall face in the event of the petitioner complying with the impugned order of transfer, and it would thereafter be upon the respondent authorities to consider and decide the representation of the petitioner in accordance with the policies, guidelines and the Rules governing the field.
5. The counsel for the petitioner submits that he has already made a representation in this regard to the State Authorities and that

representation is in the process of being considered by the authorities concerned.

6. Given the fact that the representation of the petitioner is pending consideration before the respondents, the writ petition at this juncture stands disposed of directing the respondents to consider and decide the representation at the earliest preferably within a period of 30 days from the date of receipt of the copy of this order.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved