

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 7 of 2021

*(Arising out of order dated 10.12.2020 passed by the learned Single Judge
in WPS No. 5160/2020)*

- Sanjay Kumar Thakur S/o Shri Sher Singh Thakur Aged About 48 Years Presently Posted And Working As Food Inspector, Food Section, Office of Collector Baloda Bazar-Bhatapara, Distt.- Baloda Bazar- Bhatapara, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through- Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh
2. Under Secretary Food, Civil Supplies And Consumer Protection Department Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh
3. Director Food And Civil Supplies And Consumer Protection, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellant	:	Mr. Syed Majid Ali, Advocate
For Respondents/State	:	Mr. Ashish Tiwari, Government Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per, Parth Prateem Sahu, J.

15.01.2021

1. Challenge is this appeal to the order dated 10.12.2020 passed by the learned Single Judge in WPS No.5160/2020, while declining to interfere with the order of transfer has granted liberty to the Petitioner /Appellant to approach to the authorities by way of filing a representation raising all grounds for its consideration.
2. Mr. Syed Majid Ali, learned counsel for the Appellant submits that the learned Single Judge has not considered the entire grounds raised in the writ petition with regard to his transfer again to the scheduled area.

He submits that Petitioner is transferred to District Koriya which is a scheduled area. In past, Appellant has already served about 7 years in the scheduled area and therefore he could not have been posted again in the scheduled area. As per circular issued by the State Government once an employee has served in scheduled area, he could not be posted again in such area. Medical ground raised by the Appellant was also not considered.

3. Mr. Ashish Tiwari, learned Government Advocate for the Respondents/State submits that the submission made by learned counsel for the Appellant that the employee once posted in the scheduled area cannot be posted again in the scheduled area even after serving for some time in the normal area is not correct. Most of the districts of State of Chhattisgarh comes under scheduled area. He also submits that the learned Single Judge has already granted liberty to the Appellant to approach the competent authority by way of filing a representation, raising all his grievances before them for their consideration and to pass appropriate orders.
4. We have heard learned counsel for the parties.
5. There is no dispute raised with regard to the period of service of the Petitioner in non-scheduled area i.e. at Raipur and Baloda-Bazar for about 4 years from where the Appellant has been transferred to District Koriya. Transfer in an incident of service and the employee who is serving the State Government has to move at the transferred

place. It is for the employer to consider and decide for best utilization of their employees.

6. Looking to the facts and circumstances of the case that on present place of posting which is a non-scheduled area, Petitioner has already served about 4 years and further the liberty granted by the learned Single Judge for approaching the authorities, we do not find any infirmity in the impugned order. Appeal is sans merit. It is dismissed. However, the Appellant will be at liberty to approach the authorities in terms of the order passed by the learned Single Judge.
7. At this stage, learned counsel for the Appellant submits that the Appellant is ready to approach the authorities, but as the learned Single Judge has not fixed any time frame for deciding the representation, a direction may be issued to the competent authority to consider and decide the representation filed by the Appellant within a specific time.
8. If the Appellant files a representation within a period of two weeks, then the Respondent / competent authority is directed to decide the representation within a further period of three weeks from the date of receipt of the representation.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge