

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6622 of 2021**

- J.S. Rathia. S/o Late D.R. Rathia, Aged About 60 Years Working As Chief Municipal Officer At Nagar Panchayat Dharmjaygarh, District - Raigarh, Chhattisgarh., District : Raigarh, 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, Bilaspur, District - Bilaspur. Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Shri Ankur Pandey, Working As Chief Municipal Officer At Nagar Panchayat Baloda, District - Janjgir - Champa. Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

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

Shri Somkant Verma, counsel for petitioner.
Ms. Beenu Sharma, Panel lawyer for State.

Single Bench: Hon'ble Shri Justice Sanjay S. Agrawal**Order On Board****01/12/2021**

1. The challenge in the present petition is to the order of transfer dated 24-11-2021 (Annexure P-1), whereby the petitioner has been transferred from Nagar Panchayat-Dharamjaigarh, District Raigarh to Nagar Panchayat Baloda, District Janjgir-Champa.
2. The contention of the petitioner is that the respondents vide their instructions dated 14-08-2019, which is part of Transfer Policy dated 27-06-2019 (Annexure P-2), 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 24-11-2021,

which is *per se* contrary to their own policy. Learned counsel for the petitioner submits that since the transfer order has been passed in contravention to the clause mentioned in the Transfer Policy, 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 24-11-2021, 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 7 days from the date of receipt of the 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 order impugned dated 24-11-2021 (Annexure P-1), in so far as the present petitioner is concerned, shall remain stayed. The respondent No.3-Shri Ankur Pandey, would, however, be at liberty to file a Review Petition for review of this order, if so desire.

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

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