

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4357 of 2017

- Komal Singh Sahu S/o Shri Sukh Lal Sahu, Aged About 55 Years Working As Assistant Internal Audit And Taxation Office, R/o Bagbahara, Tahsil And District Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat Rural Development, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Director, Directorate Of Panchayat & Social Welfare Service Raipur, Chhattisgarh.
3. The Collector, District Mahasamund, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat Bagbahara, District Mahasamund (Chhattisgarh).
5. The Chief Executive Officer, Janpad Panchayat Bagbahara, District Mahasamund (Chhattisgarh).

---- Respondents

For Petitioner	:	Smt. Renu Kochar, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2017

Heard.

2. Transfer order is under challenge mainly on the ground that the petitioner has been posted in the tribal area for the last 10 years, therefore, he ought to have posted outside the scheduled area as provided under the transfer policy dated 03-06-2015. Another ground is that the wife and his mother was keeping ill and the mother is also suffering from cancer, therefore, the petitioner may not be transferred from the present place of posting.
3. Main ground raised by the petitioner does not require consideration, because

the policy dated 03-06-2015 does not anywhere states that an employee, who has remained posted in the scheduled area over 10 years in the past, would not be again posted in the scheduled area. As far as other grounds are concerned, considering that the petitioner's mother is ill, suffering from serious disease, only on this aspect, the petitioner may prefer representation and State may consider his posting to such a place where appropriate facility is available.

4. In view of above, it is directed that if the petitioner prefers representation along with a copy of this order within a period of 10 days from today, the same shall be considered and decided by the respondent authority within a period of four weeks from the date of receipt of representation. For a period of four weeks, no coercive steps shall be taken against the petitioner.

5. Accordingly, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge