

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2498 of 2020**

- Sudhakar Singh Gaharwar S/o Shri Dinkar Singh Gaharwar Aged About 41 Years R/o Ward No. 4, Rajfamily, Tehsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of C.G. Through The Principal Secretary Home Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Additional Inspector General Of Prison And Jail Reform Services Chhattisgarh Raipur.
3. The Superintendent Sub Jail Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rakesh Pandey, Advocate
For Respondent/ State	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****30/06/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was initially appointed at District Jail Janjgir in the year 2008, subsequently he was transferred to sub-jail Bemetara by order dated 02.07.2015, thereafter on 18.11.2016 he was again transferred from sub-jail Bemetara to sub-jail Khairagarh. It is submitted that the petitioner has again been transferred by order dated 15.06.2020 (Annexure P-1) from sub-jail Khairagarh to sub-jail Janjgir. He further submits that according to Rule 17 of Chapter 2 of the

Fundamental Rules, since there is change of headquarter, therefore, it would be within the ambit of transfer as from Khairagarh to Janjgir the headquarter will be changed. He further submits that the circular of the State dated 27.05.2020 exists wherein during the lock down due to the Covid-19 pandemic as of now complete ban has been imposed over the transfer.

3. Clause 2.4 of the circular dated 27.05.2020 reads as under:-

2.4 स्थानांतरण—

सामान्य प्रशासन विभाग द्वारा जारी स्थानांतरण नीति के अनुसार स्थानांतरण पर प्रतिबंध है। स्थानांतरण केवल समन्वय में अनुमोदन उपरांत किया जाएगा। स्थानांतरण पर अतिरिक्त व्यय भार के दृष्टिगत विभागों से अपेक्षा की जाती है कि समन्वय में भी न्यूनतम स्थानांतरण किया जाए एवं अति आवश्यक होने पर स्वयं के व्यय पर स्थानांतरण को प्राथमिकता दिया जाए।

4. Learned State counsel opposes the argument and would submit that the petitioner is repatriated to his original place of posting.
5. Perused the document and also the circular of the State dated 27.05.2020.
6. Considering the circular dated 27.05.2020 which has been passed during the Covid-19 pandemic period and specially clause 2.4 thereof, the petitioner is given the liberty to make a representation to the Respondent No. 2 within a period of 3 weeks from today. If such representation is filled, Respondent No.2 shall decide the same within a further period of 45 days from the date of receipt of a copy of the representation. Till then the transfer order of the petitioner dated 15.06.2020 (Anneuxre P-1) shall not be given effect to.
7. With the aforesaid observation, the petition stands disposed off.

Sd/-

Goutam Bhaduri
Judge