

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 8099 of 2022**

Rakesh Thakur S/o Mr. Anil Kumar Thakur Aged About 33 Years
Currently Working As Hostel Superintendent At Pre-Metric Schedule
Tribe Boys Hostel, Dhamtari (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal And Schedule Caste Welfare, Mantralaya, Mahanadi Bhawan, Nava Raipur, District - Raipur (C.G.)
2. Director Department Of Tribal And Schedule Caste Welfare, Mantralaya, Mahanadi Bhawan, Nava Raipur, District - Raipur (C.G.)
3. Collector Dhamtari, District Dhamtari (C.G.)

---- Respondents

For Petitioner	: Mr. Vaibhav Shukla, Advocate
For Respondents/State	: Mr. R.K. Bhagat, Dy.G.A.

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****30/11/2022**

1. Challenge in this petition is to the order dated 09.11.2022, whereby petitioner, who is working as Hostel Superintendent, posted at Pre-Matric Schedule Tribe Boys Hostel, Dhamtari, District – Dhamtari (C.G.) is transferred to Pre-Matric Boys Hostel, Bhanpuri, District -Bastar (C.G.) on administrative ground.
2. Learned counsel for petitioner submits that within a period of one year, this is second order of transfer of petitioner. Earlier to the

order impugned, petitioner was transferred vide order dated 05.11.2021 from Government Model Pre-Matric Scheduled Tribe Boys Hostel Fingeshwar, District – Gariyaband to Pre-Matric Scheduled Tribe Boys Hostel, Dhamtari, District – Dhamtari. Petitioner was transferred from scheduled area to non-scheduled area and within one year petitioner has again been transferred to non-scheduled area to scheduled area. Transfer of petitioner is in violation of Clause 1.3 of circular dated 03.06.2015 as the State Government has not observed the rotation as provided under 1.3 of the circular dated 03.06.2015. It is also contended that order of transfer of petitioner is in ban period. Transfer in the State level is to be concluded within period from 10th of September, 2022 to 30th of September, 2022, however, impugned order is issued on 9th of November, 2022 and from perusal of impugned transfer order it does not reflect that proposal of transfer has been placed in Coordination Committee.

3. Learned State counsel opposing the submission made by learned counsel for petitioner would submit that petitioner is holding a transferable post and transfer is made on administrative ground. He can not claim as a matter of right to be posted at a particular place. However, if petitioner is aggrieved in any manner with his transfer, he can very well file representation, before the Committee constituted by the State Government under transfer policy to consider grievance of employee against transfer.
4. I have heard learned counsel for parties and perused the documents available in record.

5. Annexure P-2 is the order of transfer dated 05.11.2021, whereby petitioner has been transferred to Dhamtari. Within a period of one year on 09.11.2022, petitioner is again being transferred from Dhamtari to Bastar. Impugned order of transfer is issued on 09.11.2022 and whereas under Clause 2.1 of transfer policy, period of transfer is to be made in between 10.09.22 to 30.09.2022. Considering the aforementioned facts of the case as also Clause 4 and 6.4 of transfer policy, I find it appropriate to dispose of this writ petition at this stage instead of keeping this petition pending and taking reply from the State, directing the petitioner to submit representation before the Committee constituted under transfer policy.
6. Accordingly, this writ petition stands disposed off directing petitioner to submit representation against his transfer before the Committee constituted under transfer policy, within 12 days from today, raising all grounds as raised in this petition. On making such representation, the Committee shall consider and decide the same in accordance with law within an outer limit of three weeks from the date of receipt of such representation.
7. For a period of six weeks or till decision of representation whichever is earlier, no coercive steps shall be taken against petitioner.

C.C. as per rules.

Sd/-
(Parth Prateem Sahu)
Judge