



2025:CGHC:22473

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3966 of 2025**

1. Shivcharan Hirwani, Aged About 56 Years, S/o. Late Shyam Lal Hirwani, R/o. LIG/2-153, Housing Board Colony, Ward No. 16, Bhilai, Dist. Durg (C.G.).

**... Petitioner****versus**

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Govt. Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.).
2. The Secretary Department Of Skill Development And Technical Education And Employment, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.).
3. The Director Directorate Of Employment And Training, Govt. Of Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nava Raipur (C.G.).
4. The Principal Industrial Training Institute, Saddu, Dist. Raipur (C.G.).
5. The Convenor And Secretary Committee Of Senior Secretaries Transfer Matter, Department Of General Administration, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)

**...Respondents**


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For Petitioner : Mr. Sharad Mishra, Advocate along with  
Mr. Sudhanshu Upadhyay, Advocate.

For Respondents/State : Mr. Ankur Kashyap, Dy.G.A.

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**Hon'ble Shri Justice Sanjay Kumar Jaiswal****Order on Board****29.05.2025**

1. Petitioner has filed this writ petition challenging the order dated 13.05.2025 (Annexure P-1), whereby the services of the petitioner has been transferred from Industrial Training Institute, Raipur to Industrial Training Institute, Bhairamgarh, District-Bijapur, Chhattisgarh.
2. Learned counsel for petitioner submits that the order of transfer issued by Respondent No. 2/State Government is in contravention to the Circular issued by the State Government dated 03.06.2015 (Annexure-P/3). He contended that according to the said circular, the employees aged above 55 years are not to be posted in difficult scheduled area and Bijapur is mentioned in difficult schedule area in the said circular. He also contended that the act of transferring the petitioner after he attaining the age of more than 55 years and is on the verge of his retirement to a core schedule area is against the circular dated 03.06.2015 but the respondents, in absolute contravention of clause 1.5 of the above circular has issued the impugned transfer order which is not tenable in the eyes of law. In support of his argument he placed reliance on the decision of this Court in the matter of **Saroj Verma vs. Convenor and Secretary Committee of Senior Secretaries and Ors.** Passed in **WPS No. 6482 of 2024** on 15.10.2024.
3. Learned State counsel raises objection to the submission of learned counsel for petitioner and further submits that the order of transfer from its face appears to have been issued on administrative grounds, hence, it does not call for any interference.

4. I have heard learned counsel for the parties.
5. Along with the writ petition, petitioner has also enclosed copy of circular dated 03.06.2015 issued by General Administrative Department in which under clause 1.5 it is specifically mentioned that as far as possible the employees above 55 years are not to be posted in difficult schedule area, Bijapur is shown in Schedule-I to be a difficult schedule area. Counsel for petitioner also enclosed copy of representation dated 21.05.2025 (Annexure-P/5) and as per his submission the representation of petitioner has not been decided and it is pending consideration before Respondent No. 2.
6. In the aforementioned facts and circumstances of the case, considering the nature of grievance raised, the circular of the State Government dated 03.06.2015 and, this writ petition at this stage is disposed of directing Respondent No. 2 to take decision on the pending representation expeditiously preferably within a further period of 04 weeks from the date of receipt of order passed by this Court.
7. Learned counsel for petitioner is directed to submit the order passed in this writ petition before Respondent No. 2 within a period of 10 days.
8. Till decision on the representation, effect and operation of the impugned order of transfer Annexure P-1 dated 13.05.2025, so far as it relates to petitioner, shall remain stayed.

Certified copy as per rules.

Sd/-  
**(Sanjay Kumar Jaiswal)**  
 Vacation Judge