

**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 1273 of 2023**

Balmiki Dhruw S/o Late Rikhi Ram Dhruw Aged About 55 Years At Present Posted And Working As Sub Jail Bijapur, District Bijapur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home (Jail), Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh
2. Under Secretary Department Of Home (Jail), Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh
3. Direction General (Jail) And Reformatory Services Sector 19, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
4. Superintendent Of Jail Sub Jail, Bijapur, District Bijapur Chhattisgarh

---- Respondents

For Petitioner : Mr. Shikhar Sharma, Advocate
For Respondents/State : Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

13/02/2023

1. Grievance raised by petitioner in this petition is that the representation submitted by petitioner for his place of posting in



the non-scheduled area is pending consideration before respondent No.3 since September, 2022.

2. Learned counsel for petitioner submits that petitioner was initially appointed on the post of Assistant Jailer vide order dated 25.07.1996. Since the date of his appointment most of the period of service of petitioner was in the scheduled area and in difficult scheduled area. According to circular issued by State Government dated 03.06.2015 posting of government servant in scheduled area and difficult scheduled area are to be made on rotation basis. Petitioner on the basis of the circular dated 03.06.2015, submitted representation before respondent No.3 requesting for his posting in the non-scheduled area on the ground that petitioner is having old age parents, his children are studying in higher class and due to continuous posting in difficult scheduled area, petitioner is unable to discharge his duties towards his family. Representation submitted by petitioner is pending consideration since 16.09.2022, hence, a direction be issued to respondent No.3 to take decision on his representation at the earliest.
3. Learned State counsel submits that in view of the limited prayer made by learned counsel for petitioner seeking direction to respondent No.3 to take decision on the representation, he is having no objection.
4. I have heard learned counsel for parties and perused the documents available in record.





5. Documents placed vide Annexure P-5, P-6, P-7 and Annexure P-8 would show that petitioner was posted in Jashpur, Ambikapur, Gariyaband, Pendra Road, Jashpur and at present at Bijapur. According to Clause 1.3 of the circular dated 03.06.2015, State Government has issued guidelines for posting of government servant in the scheduled area/difficult scheduled area on rotation basis. Petitioner has already submitted representation before respondent No.3 requesting for his place of posting in non-scheduled area in September, 2022. As stated by learned counsel for petitioner, representation submitted by petitioner is till date pending consideration.

6. In the aforementioned facts and circumstances of the case, considering the period of posting of petitioner in the scheduled area and in difficult scheduled area, this petition is disposed off at this stage, expecting from respondent No.3 to take decision on the representation submitted by petitioner keeping in mind the circular issued by State Government dated 03.06.2015 expeditiously preferably within a period of eight weeks from the date of receipt of copy of order passed by this Court.

7. Accordingly, this petition is disposed off with aforesaid observations and directions.

C.C. as per rules.

Sd/-

(Parth Prateem Sahu)
Judge