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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

W.P. (S) No. 192/2015

PETITIONER

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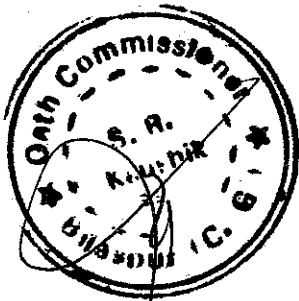
AJAY SHRIVASTAVA S/O LATE
P.L. VERMA AGED ABOUT 52
YEARS, R/O 5/5, DR. RAM
MANOHAR LOHIA NAGAR,
MOWA, POLICE STATION
PANDRI, TAHSIL AND DISTRICT
RAIPUR (C.G.)

W.P. No. 192/2015
Presented by Shri Animesh Shrivastava
dated 20/1/15

VERSUS

RESPONDENTS:

1. CHHATTISGARH TOURISM
BOARD, THROUGH ITS PRESIDENT,
NEW SIBBAL PALACE, INDIRA
GANDHI MARG, TELIBANDHA,
RAIPUR (C.G.)
2. MANAGING DIRECTOR,
CHHATTISGARH TOURISM BOARD,
NEW SIBBAL PALACE, INDIRA
GANDHI MARG, TELIBANDHA,
RAIPUR (C.G.)
3. SHUBHDHA CHATURVEDI W/O
ASHISH CHAUBHEY, A/A NOT
KNOWN R/O C/O SANJAY SHARMA
1/6, SHAKARI MARG, CHAUBHEY



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COLONY, TAHSIL AND DISTRICT

RAIPUR (C.G.

WRIT PETITION UNDER ARTICLE 226/227 THE
CONSTITUTION OF INDIA



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HIGH COURT OF CHHATTISGARH AT BILASPUR

SB: Hon'ble Shri Justice Pritinker Diwaker

Writ Petition (S) No. 192 of 2015.

PETITIONER

Ajay Shrivastava

VERSUS

RESPONDENTS

Chhattisgarh Tourism Board &
Others

Shri Arvind Shrivastava, counsel for the petitioner.

Shri A.S. Kachchawaha, counsel for respondents No.1 and 2.

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA**

**ORDER
(22.01.2015)**

With the consent of learned counsel for the parties, the matter is heard finally.

The challenge in the present writ petition is to the order dated 08.12.2014 (Annexure P-1) whereby the petitioner, who is working as Senior Tourist Officer has been transferred from Head Office of Tourism Department, Raipur to In-charge, Dandami Tourist Resort, Chitrakut, District Bastar.

Counsel for the petitioner submits the petitioner is one of the senior most officers of the Tourism Department and could have been transferred to a place where post of his cadre is available. He submits that tourist resort is a small hotel where the petitioner could not have been transferred. He submits that in place of the petitioner, respondent No.3, who is merely a contract employee, has been transferred and respondent No.3 could not have been transferred in place of the petitioner in view of the transfer policy of the Tourism Department. He also submits that the petitioner is suffering from serious heart ailment, whereas his wife is a diabetic patient. After arguing at length, he submits that the purpose of filing this writ petition would be served if at this stage the petitioner is permitted to withdraw the writ petition with liberty to make a fresh representation before the Managing Director, Chhattisgarh Tourism Board (respondent No.2) and in turn respondent No.2 is directed to decide the same expeditiously. He further submits that till the representation is decided, the petitioner may be allowed to continue at his present place of posting.



Counsel for the Board submits that he has no objection if the request of counsel for the petitioner is acceded to. He, however submits that no protective order be passed in favour of the petitioner as he has been transferred in administrative exigency and his services are required at the tourist resort.

In the aforesaid view of the matter, the writ petition is dismissed as withdrawn with the aforesaid liberty. In the eventuality of the petitioner filing a representation before respondent No.2 detailing his grievances therein along with a copy of this order and writ petition, within a week from today, respondent No.2 is expected to decide the same strictly in accordance with law considering all the aspects of the case within a further period of three weeks.

It is made clear that this Court has not made any observation on the merits of the case and respondent No.2 would be at liberty to pass the order strictly in accordance with law.

Sd/-
Pritinker Diwakar
Judge

subbu