

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1108 of 2015

- Jiven Lal Sahu S/O Shri Govind Ram Sahu Aged About 46 years
Occupation Patwari, Halka No. 9, O/o Tahsildar Bilaigarh, P.S. & Tahsil -
Bilaigarh, District Balodabazar - Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Secretary, Department Of Revenue Mahanadi
Bhawan, New Mantralaya, District, Raipur (Chhattisgarh)
2. The Collector District Baloda Bazar - Bhatapara (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Sandeep Dubey, Advocate
For Respondent/State	: Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/04/2015

1. By order dated 11/07/2014 the petitioner, a Patwari, has been transferred from Block Bilaigarh, District Balodabazar to Dharamjaigarh, District Raigarh. Challenging the said order petitioner preferred W.P.(S) No. 3420/2014 which was disposed of by this Court on 23/07/2014 permitting him to move representation before the State Level Committee constituted by the State Government under the transfer policy itself. This Court also directed that till the petitioner's representation is decided, the effect and operation of the transfer order shall remain stayed.
2. Admittedly, petitioner's representation has not yet been decided although a favourable recommendation has been made by the Committee in petitioner's favour vide letter of recommendation dated 28/11/2014 (Annexure P/5).
3. By the present impugned order dated 18/03/2015 the petitioner has been suspended under Rule 9(1)(a) of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules 1966 on the ground that the petitioner has not obeyed the transfer order dated 11/07/2014.

4. Since no other misconduct of any other nature has been alleged against the petitioner and the only reason for his suspension is non-compliance of the transfer order which has been stayed by this Court in W.P.(S) No. 3420/2014 till the decision on his representation and admittedly petitioner's representation has not yet been decided by passing an order by the competent authority, very basis of the impugned order is not in existence.

5. For the foregoing, the impugned order concerning the petition is quashed at the motion stage itself. Accordingly, the impugned order is quashed.

JUDGE