

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 313 of 2015**

Ashok Kumar Mishra S/o Late Ramvilas Mishra Aged About 47 years R/O. Ghasidas Ward No. 16, Kedarpur, Ambikapur, Police Station And Post Ambikapur, Civil And Revenue District Surguja (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through : Chief Secretary, Commercial Tax (Excise), Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh)
2. Excise Commissioner, Chhattisgarh, Raipur, Excise Building, Chhokra Nala, Labhandi, Raipur, District Raipur (Chhattisgarh)
3. Assistant Excise Commissioner, Bilaspur, District Bilaspur (Chhattisgarh)
4. District Excise Officer, Surguja, District Surguja (Chhattisgarh).

---- **Respondents**

For Appellant	:	Shri V.A. Govardhan, Advocate.
For Respondents/ State	:	Shri U.N.S. Deo, Government Advocate.

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Judgment On Board**Per NAVIN SINHA, C.J.****30/6/2015**

1. The present appeal arises from order dated 30.4.2015 in Writ Petition (S) No. 1525 of 2015. The Learned Single Judge declined to interfere with the order dated 31.3.2015, passed by the Excise Commissioner assigning duties for departmental operations of liquor shops at Bilaspur to the Appellant even while his substantive posting remained at Sarguja.

2. Learned Counsel for the Appellant submits that while his substantive posting remains at Sarguja, the duration for discharge of

duties at Bilaspur has not been mentioned. It is next submitted that the Appellant was transferred to Sarguja recently on 4.8.2014 at his request for reasons mentioned and which was found acceptable by the authorities. Those reasons have not been kept in mind while passing the impugned order. Learned Counsel next submits that if personnel were required to operate Government liquor shops in the district of Bilaspur, the Respondents could well have considered the Excise Constables posted in the District of Bilaspur first, alternately in the contiguous districts and then only expanded to outlying districts.

3. Learned Counsel for the State submits that the decision is administrative in nature as held by the Learned Single Judge taken in administrative exigency. The Court may not interfere with the same.

4. We have considered the submissions on behalf of the parties.

5. In the facts and circumstances of the case, we are of the considered opinion that the grounds urged before us, are more of administrative issues. The Petitioner had rushed to Court without approaching the authorities first. The grounds urged before us may appropriately be raised in a representation before the authorities, who are expected to consider the same and dispose it by a reasoned and speaking order in accordance with law within a maximum period of three weeks from the date of receipt and/ or production of a copy of this order.

6. The appeal stands disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE