

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1187 of 2015

1. J. P. Shrivastava S/O Late Shri V.N. Lal Aged About 58 years R/O
LIG 54, Shivaji Nagar, Korba, Tahsil And District Korba
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Tribal Welfare
Department, Mahandi Bhavan Mantralaya, New Raipur, District
Raipur Chhattisgarh
2. Collector Tribal Welfare Department, Korba, Distt. Korba
Chhattisgarh
3. Assistant Commissioner Tribal Welfare Department, Korba, District
Korba Chhattisgarh

---- Respondent

For Petitioner	Shri Ajay Shrivastava, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/04/2015

Heard learned counsel for the parties.

1. By order dated 30-10-2013, the petitioner, Principal, Government
Higher Secondary School, PWD, Rampur, Korba, was transferred

to Balrampur District at the option of Assistant Commissioner, Tribal Welfare.

2. Petitioner has preferred this writ petition in the year 2015 when he was relieved *ex parte* on 31-3-2015. It is the stand of the petitioner that the order dated 30-10-2013 was never served upon him, therefore, to verify the correctness of the said statement, this Court had directed the Secretary to the Government of Chhattisgarh, Department of Tribal Development to enquire and submit a report on the issue.
3. Pursuant to the aforesaid direction, affidavit of the Secretary has been filed along with the enquiry report mentioning that the petitioner's statement about non-service of the transfer order is true.
4. In view of the above, since the administrative exigency, which may have prevailed upon the State Government to pass the transfer order in the month of October, 2013, may or may not continue, as the said order was never tried to be served on the petitioner, the writ petition is disposed of with a direction that the petitioner shall submit a representation before the Secretary, Department of Tribal Development against the transfer order dated 30-10-2013 within a period of one month from today and, thereafter, the representation may be considered and decided, in accordance

with law and on its own merits, within a further period of three months.

5. Till the petitioner's representation is decided he shall be allowed to continue at Government Higher Secondary School, PWD, Rampur, Korba.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the representation, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.
7. No order as to costs.

J u d g e

Gowri