

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3778 of 2015

- Chandra Pal Singh Thakur S/o Late Hari Singh Thakur, Aged About 48 Years R/o Maruti Point Kotra Road Raigarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary Ministry Of Chhattisgarh State New Raipur, Mantralaya, Mahanadi Bhawan New Raipur, District Raipur, Chhattisgarh
2. Secretary Food & Civil Supply Corporation Department, Mantralaya, Mahanadi Bhawan New Raipur, District Raipur, Chhattisgarh
3. Commissioner/ Director, Account And Pension Department Indrawati Bhawan Block 1, New Raipur, District Raipur, Chhattisgarh
4. Chief Executive Engineer, Chief Executive Engineer Office Project No. 1 Raigarh, State Rural Road Development Department, District Raipur, Chhattisgarh
5. Collector Raigarh, President Project Officer, Chhattisgarh State Rural Road Development Raigarh, District Raigarh, Chhattisgarh
6. Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh, Chhattisgarh
7. Jyoti Singh Thakur Account Officer, Present Posted At Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	Shri H.S. Patel, Advocate
For Respondent/State	Shri Dheeraj Wankhede, GA

Order On Board By

16/10/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is working as Assistant Accountant (Subordinate Accounts Service Cadre) and is presently posted at Pradhanmantri Gram Sadak Yojna Scheme, Raigarh. By the impugned order, he has been transferred

and posted as Assistant Accountant, Chhattisgarh Rajya Nagrik Apoorti Nigam, Raipur.

3. Learned counsel for the petitioner would submit that the impugned order is without jurisdiction, inasmuch as the same has not been processed through the coordination, because due to ban on transfers unless such procedure is adopted, the impugned order is not sustainable. He would also submit that the petitioner being a Class-III (Execution Cadre Employee), there is a ban on his transfer as is mentioned in the opening paragraph of the circular dated 01.07.2015.
4. Learned State counsel would submit that the impugned order has been passed on administrative exigency, therefore, no interference is called for.
5. Considering the fact that the impugned order does not state that the matter has been routed through the coordination, the writ petition is disposed of with a direction that in the event, the petitioner prefers a fresh representation before the Principal Secretary, Department of Finance, Government of Chhattisgarh, within a period of 15 days from today, the said authority shall consider and decide the petitioner's representation, at the earliest, preferably within a period of 6 weeks from the date of submission of representation.
6. For a period of 8 weeks from today, the effect and operation of the impugned order shall remain stayed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA