

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3724 of 2015

- D.J. Rao (Dodla Jaya Rao) S/o Late Shri D. Rama Rao, Aged About 60 ½ Years R/o House No. 15/16 Uttar Vasundhara Nagar, Bhilai 3, Post & Police Station Bhilai 3, Distt. Durg, (Chhattisgarh)

---- Petitioner

Versus

1. Chhattisgarh State Power Distribution Company Limited Raipur, Through The Chairman, Chhattisgarh State Power Distribution Company Limited, Danganiya, Distt. Raipur, (Chhattisgarh)
2. The Executive Director (Durg Region), Chhattisgarh State Power Distribution Company Limited, Durg, Distt. Durg, (Chhattisgarh)
3. The Superintendent Engineer (Executive), Office Of Executive Director (Durg Region), Chhattisgarh State Power Distribution Company Limited, Durg, Distt. Durg, (Chhattisgarh)
4. The Executive Engineer (City East), Chhattisgarh State Power Distribution Company Limited, Bhilai, Distt. Durg, (Chhattisgarh)
5. The Assistant Engineer, Chhattisgarh State Power Distribution Company Limited, Bhilai Charoda Zone, Distt. Durg, (Chhattisgarh)

---- Respondent

For Petitioners
For Respondent/State

Mr. Jitendra Gupta, Advocate
Mr. A.S. Gaharwar, Advocate

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

14/10/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is working as Line Assistant Grade-I in the Office of Executive Engineer (City East) Division, Chhattisgarh State Power Distribution Company Limited, Bhilai-Charoda zone. By the impugned order, he has been transferred in the same capacity to the office of Assistant Engineer T.S.G. Bemetara, which is an office under the Executive Engineer, S.T.M. Division, C.G. Power Distribution Company Limited, Bhilai.

(3) Mr. Gupta, learned counsel for the petitioner, would draw attention of this Court to the documents containing 'Delegation of Powers' in the Chhattisgarh Power Distribution Company Limited, wherein, para 7.4 relating to posting and transfer provides that in respect of Class-II, III and IV employees/officers, the power of posting and transfer lies with ED/CE with the approval of MD when there is no ban on transfers and the same power is exercisable by the Chairman during the ban period. He would submit that there is no mention in the impugned order that the same has been approved by the Managing Director.

(4) Mr. Gaharwar learned counsel for the respondents appearing on advance notice, would pray for 10 days' time to file the return. He would submit that as per the petitioner's own averment, he has already been relieved.

(5) Considering the facts and circumstances of the case, particularly the fact that the petitioner is raising the plea of lack of jurisdiction of the authority, who has issued the transfer order, for lack of approval by the MD, instead of keeping this petition pending, the same is disposed of with a direction that in the event, the petitioner prefers a representation before the competent authority within a period of two weeks from today, the competent authority of the respondents shall consider and decide the same, at the earliest, preferably within a period of four weeks from the date of submission of representation.

(6) For the period of 06 weeks from today, the petitioner shall be allowed to continue in the Bhilai-Charoda zone at his previous place of posting.

Sd/-

Judge

(Prashant Kumar Mishra)

