

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.565 of 2015

Jagdishwar Jayaswal S/o A.R.Jayaswal, Aged About 55 Years Govt. H.S.S.
Jepra, Block Charama, District Kanker, Chhattisgarh

---- Petitioner

Versus

1. Dilip Wasnikar , Commissioner, Bastar Division, Bastar, Chhattisgarh
2. Smt. Shammi Abidi, Collector, North Bastar, District North Bastar, Chhattisgarh
3. S.K. Bhardwaj, District Education Officer, North Bastar, Kanker,
Chhattisgarh(Contemnors)

---- Respondent

For Petitioner : Shri Ajay Shrivastava, counsel for applicant.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/12/2015

Heard.

2. Learned counsel for applicant submits that even though, there was a specific direction by this Court to decide representation, but the Commissioner did not decide it and forwarded it to the Collector, who has rejected the same.
3. Order of this Court passed on 21-09-2015 is clear. In view of the statement made by learned State counsel that the petitioner may file representation before the Commissioner, this Court has disposed off the matter with a direction to consider the representation by the competent authority. The transfer policy which has been placed on record also provides in clause-4 thereof that representation against the transfer shall be considered by the Commissioner. This Court has also directed the Commissioner to decide the representation. Therefore, obligation to comply with the order of the Court and decide the matter, lies with the Commissioner and not the Collector.
4. Let the Commissioner decide the petitioner's representation without being

influenced by the order passed by the Collector on 30-11-2015. It goes without saying that as per earlier order, the Commissioner has to decide the representation within a period of three weeks from the date of receipt of a copy of this order along with a copy of representation earlier filed.

5. If the petitioner is not relieved and his successor in office has not joined till today, the petitioner shall not be disturbed for a further period of three weeks.

6. With the aforesaid direction, this petition is finally disposed off.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava

Judge