

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 491 of 2016

- Ram Kumar Lodhi S/o Shri Ghorilal Lodhi, Aged About 61 Years Presently Working As Pump Attendant, Municipal Council, Mahasamund, District Mahasamund, (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
- The Under Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Sudeep Agrawal, Advocate
For Respondents/State	: Shri Vivek Sharma, G.A.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

22/02/2016

Challenge in the present petition is to the order dated 02.02.2016 whereby the petitioner who is a class-IV employee working as pump attendant, has been transferred from Municipal Council Mahasamund to Nagar Panchayat Nawagarh.

2. Counsel for the petitioner submits that the date of birth of the petitioner is 08.02.1955 and he will attain the age of superannuation on 28.02.2017. He submits that normally class IV employees are not being transferred from one Municipal Council to another and that too, at the fag end of their career. He submits that at this stage the petitioner may be permitted to withdraw this petition with liberty to file representation before the respondent No.1 and till his representation is decided, operation and effect of the impugned order be stayed.

3. State counsel has no objection so far as filing of the representation by the petitioner. He however submits that no protective order be passed in his

favour.

4. Considering the facts and circumstances of the case, the petitioner is permitted to withdraw this petition with the aforesaid liberty. In the eventuality of filing any such representation by the petitioner within a period of two weeks from today it is expected from the respondent No.1 to decide the same within a period of 30 days from the date of receipt of the said representation. Till 45 days from today, respondents are directed to allow the petitioner to perform his duties in his present place of posting.

5. No observation on the merits of the case has been made by this Court and the competent authority shall be at liberty to act in accordance with law.

Sd/-
Pritinker Diwaker
Judge

