

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1895 of 2015**

Tankeshwar Joshi S/o Late Shri Himanchal Prasad Joshi Aged About 42 Years Caste: Bramhan, R/o. Patwari Halka No. 5, Bhanpuri, Tahsil: Bastar, Police Station: Bhanpuri, Revenue And Civil District : Bastar (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through : The Secretary, Department of Revenue & Disaster Management, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, District : Raipur (CG)
2. Under Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, District : Raipur (CG)
3. The Collector, Bhu Abhilesh Branch, Bastar, District : Bastar (CG)
4. Additional Collector : Bastar District : Bastar (CG)
5. The Tahsildar: Bastar District : Bastar (CG)

---- **Respondents**

For Petitioner	:	Mr.D. Kushwaha, Advocate
For Respondents/State	:	Mr.Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/01/2016

1. Earlier, the petitioner had filed writ petition being WP(S) No.4099 of 2014 against his transfer from Patwari Halka No.5, Bhanpuri, Tehsil Baster to Tehsil Bhairamgarh, District Bijapur, in which this Court by order dated 19.8.2014 directed the State Government to consider the representation of the petitioner in accordance with para-6 of the transfer policy and take a decision in the matter. Thereafter, on 5.12.2014 the Committee constituted by this Court considered the case of the petitioner and made recommendation in his favour, but by

order dated 6.4.2015 the petitioner's representation has been rejected.

2. Fact remains that this Court has directed for considering the representation of the petitioner in accordance with para-6 of the transfer policy and the Committee has also made recommendation in favour of the petitioner, but order rejecting representation is completely silent and no reason has been assigned while rejecting the representation of the petitioner. It shows complete non-application of mind. When this Court has directed for consideration and the Committee has also made recommendation, the State Government ought to have passed the order assigning some reason in order to satisfy the Court that case has been considered in proper prospective, but same has not been done.
3. Accordingly, the writ petition is allowed and order impugned dated 6.4.2015 (Annexure P/1) is hereby quashed. Matter is remitted to the State Government for considering the case of the petitioner afresh in accordance with law. The petitioner is directed to provide copy of this order as well as copy of earlier order passed by this Court in WP (S) No.4099 of 2014 to the State Government within a period of two weeks from today. The State Government shall consider the case of the petitioner and decide the same in accordance with law within a period of further four weeks. Interim order dated 14.5.2015 shall remain in operation for further six weeks. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-