

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3559 of 2016

- Satish Kumar Singh S/o Shivnath Singh, Aged About 46 Years R/o Fundurdihari, Mahuapara, Ambikapur, District Surguja (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Revenue & Disaster Management, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Commissioner (Land Records), Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
3. Collector, Ambikapur, Surguja, District Surguja (Chhattisgarh).
4. Assistant Commissioner, Tribal Welfare Ambikapur, District Surguja (Chhattisgarh).
5. Janpad Panchayat, Lundra, Through Its Chief Executive Officer, Janpad Panchayat, Lundra, District Surguja (Chhattisgarh).
6. Anil Kumar Dubey, Assistant Grade- II, Office Of Assistant Commissioner, Tribal Welfare, Ambikapur, District Surguja (Chhattisgarh).

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State / Respondent	:	Mr. Dhiraj Wankhede, Govt. Advocate
Nos. 1 to 4		on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

10/08/2016

Heard.

1. The transfer order is being challenged on the ground that the place where the petitioner is being transferred, there is no post to accommodate the petitioner. According to learned counsel for the petitioner, in the setup of Office of Assistant Commissioner, Tribal Development Ambikapur, District Surguja, there are only 5 posts of Assistant Grade – II and there are already more than 5 Assistant Grade – II employees posed and working in that Office. Respondent No.6 is being transferred vice the petitioner who was already in excess in the said Office.

2. If the petitioner is being transferred, there has to be a post on which the petitioner can be accommodated so that his salary be paid. The petitioner is entitled to posting on a post of his cadre or a vacant post higher to his cadre. The transferring authority is required to consider this aspect. If it is ensured that transfer of the petitioner shall not affect his service condition and his salary is paid from any vacant post, he could certainly be transferred.
3. Let this aspect will be examined by the transferring authority within a period of three weeks and for the three weeks, no coercive steps shall be taken against the petitioner.
4. Protection shall inure to the petitioner subject to supply of copy of this order in the Office of transferring authority within a period of 10 days from today.
5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge