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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 257 of 2016**

N. K. Dubey S/o Late Bala Prasad Dubey, Aged 62 Years (Now Retired), was Posted as Sub Inspector (M) R/o Vinayak Sadan, A -5, Panchvati Colony, Akriti Vihar, Amlidih, Raipur, District Raipur Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh Home Department, Mahanadi Bhawan, Mantralaya, New Raipur, Tahsil and District Raipur Chhattisgarh
2. Police Head Quarters, Through : Director General of Police, P.H.Q. Chhattisgarh, Raipur, Chhattisgarh
3. Inspector General of Police (Administration) P.H.Q. Chhattisgarh, Raipur, Chhattisgarh
4. Deputy Inspector General of Police, Range- Raigarh, District Raigarh Chhattisgarh
5. Superintendent of Police, Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Appellant : Shri Jitendra Kumar Gupta, Advocate.
For Respondents/State : Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Deepak Gupta, Chief Justice****23/06/2016**

1. I.A. No.1 of 2016 has been filed to condone delay of 42 days in filing the writ appeal. For the reasons mentioned in the application, delay is condoned.
2. This appeal is directed against the order dated 8.2.2016 passed by Learned Single Judge in Writ Petition (S) No. 381 of 2016 whereby the Learned Single Judge dismissed the writ petition filed by the Appellant/writ Petitioner.

3. The undisputable facts are that the Appellant was serving as Sub-Inspector in Police Department in the State of Chhattisgarh. He was transferred from Planning Branch, Police Headquarter to the office of Deputy Inspector General, Range Raigarh, attached to Training Branch Police Headquarter. According to the Appellant, there is no such office at Raigarh.

4. Be that as it may, the transfer order was passed in the year 2012 and the Appellant has retired from service on 31.1.2016 and after his retirement, he has challenged this order of transfer which was passed in the year 2012. The Learned Single Judge rightly held that this order could not be permitted to be challenged after the Appellant had already retired from service. The grievance of the Appellant appears to be that some departmental enquiry has been initiated against him on the ground that he did not obey the order of his transfer and also his retiral benefits have been withheld for the same reason.

4. Though we have dismissed the writ appeal, we leave it open to the Appellant to raise this very issue in the enquiry proceedings or in any other proceeding which may be initiated against him. Neither the Single Judge nor the Division Bench has decided whether the transfer was valid or not on its merits but the writ petition was dismissed on the ground of delay and laches. Therefore, if the Department wants to use the transfer order against the Appellant then it will open for the Appellant to raise all his objections/grievances against the said orders. The Learned Single Judge had imposed cost of Rs. 2000/-. We modify the order and direct no costs to be paid.

6. The writ appeal is disposed of in the aforesaid terms.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE