

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3805 of 2016

Gangaram Yadav S/o Shri Ramlal Yadav, Aged About 56 Years R/o Gendhimarg,
Beerpara, Police Staiton Sarangarh, Tehsil Sarangarh, District Raigarh
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Department Of Rural And Child Development,
Mahanadi Bhawan Naya Raiupr, Mantralaya, Raipur Chhattisgarh
2. District Collector, Raigarh, District Raigarh Chhattisgarh
3. Ramlal Danjare, R/o Office Of Child Development Project Kapu, District Raigarh
Chhattisgarh

---- Respondents

Shri Sunil Otwani, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/12/2016

Transfer of the petitioner is under challenge on the ground that the transfer of the petitioner is contrary to the recommendation of the Minister, In-charge. For this purpose, learned counsel for the petitioner has drawn attention of this Court to proposal dated 07/07/2016 prepared by Member of Legislative Assembly and endorsed by Minister, In-charge on 20/07/16 in which, the petitioner has been proposed to be posted at Baramkela on considerations of personal difficulties. Thereafter, on 21/07/2016, the office of the Collector directed the District Education Officer, In-charge Officer of Land Records and District Program Officer, Women and Child Development to take necessary steps.

2. On the other hand, learned State counsel submits that infact, in the matter of transfer, earlier a meeting had already taken place and Minister, In-charge had approved list (Annexure R/2) on 07/07/2016 in which, the place of posting of the

petitioner was left to the discretion of the Collector.

3. From the documents which are placed by both the parties, it appears that initially when the matter was placed before the concerned Minister, the proposal was signed by the Minister on 07/07/2016 leaving the posting of the petitioner at the discretion of the Collector and later on, another letter dated 17/07/2016 (Annexure P/2) was signed by the Minister, Incharge concerned, proposal of the transfer of the petitioner to Baramkela was also endorsed on 20/07/2016.

4. Therefore, looking to the aforesaid circumstances, when there are two different recommendations, it would be proper that the entire case be placed before the competent authority for decision with regard to the place of posting of the petitioner and thereafter, appropriate orders may be passed as to which of the proposal has to be acted upon i.e. whether proposal dated 07/07/2016 or proposal dated 17/07/2016.

Till the matter is so considered and decided by the competent authority, the present status of posting of the petitioner shall be maintained.

Sd/-
(Manindra Mohan Shrivastava)
Judge