

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No.4322 of 2015**

B.D.Ahuja, aged about 58 years, S/o Late Bhonu Ahuja, presently posted & working as Assistant Gr.02, Janpad Panchayat Kansabel, Tahsil and District Jashpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Department of Tribal Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur (CG)
2. Collector, Jashpur, District Jashpur (CG)
3. Commissioner, Surguja Division, Surguja, School Road, Gurunanak Chowk Ambikapur (CG)
4. Chief Executive Officer, Janpad Panchayat, Kansabel, District Jashpur (CG)

---- Respondents

For Petitioner	:	Mr.Sushil Dubey, Advocate
For Respondents/State	:	Mr.O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/01/2016

1. The petitioner has challenged his transfer order dated 20.7.2015 in WP (S) No.2858 of 2015 in which this Court by order dated 7.8.2015 expressed hope that the Divisional Commissioner shall take decision on the representation of the petitioner.
2. Deputy Commissioner, Surguja Division by order dated 1.10.2015 rejected the representation of the petitioner and no reason has been assigned in the order for rejection of the representation.

3. The respondents have filed an affidavit along with note sheet, in which it appears that the Divisional Commissioner has simply approved the note sheet prepared by Office Superintendent and recommendation made by the Deputy Commissioner to reject the representation of the petitioner, such a course adopted by the Divisional Commissioner is impermissible in law. This Court, in its order dated 7.8.2015, has expressed hope that Commissioner shall take decision on the representation made by the petitioner in accordance with law, but the Divisional Commissioner, without applying his mind, simply approved the note sheet and recommendation made by Office Superintendent and forwarded by Deputy Commissioner, which, in the considered opinion of this Court, is unsustainable in law and therefore, the Commissioner, Surguja Division is directed to apply its own mind and pass speaking and reasoned order as directed by this Court in WP (S) No.2858 of 2015 on 7.8.2015 within a period of four weeks from the date of receipt/production of the copy of this order.
4. With the aforesaid observation, the writ petition stands disposed of. No order as to cost(s).

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-