

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 4318 of 2015**

Mungeshri Banjare, D/o Shri Akbar Das Banjare, aged about 32 years, presently working as Assistant Grade-II, Tahsil Office Jashpur & R/o Vivekanand Colony, Jashpur, District Jashpur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
2. Commissioner, Surguja Division, Ambikapur (C.G.)
3. Collector, District Jashpur (C.G.)
4. Sub Divisional Officer (Rev.), Tahsil Jashpur (C.G.)
5. Vijay Kumar Kuzur, Sub Divisional Officer, Tahsil Jashpur, District Jashpur (C.G.)
6. Prem Patel, Deputy Collector Presently working as Tahsildar Tahsil Jashpur, District Jashpur (C.G.)

---- Respondents

For Petitioner : Shri Sushil Dubey, Advocate.

For Respondents : Shri D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/01/2016

(1) The petitioner had challenged her transfer order before this Court in W.P. (S) No.2954/2015, in which this Court by order dated 13.8.2015 expressed hope that the Divisional Commissioner shall take decision on the representation of the petitioner.

(2) The Divisional Commissioner, Sarguja, Ambikapur by order dated 5.10.2015 rejected the representation and no reason has been assigned in the order for rejection of the representation.

(3) 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 13.08.2015, has expressed hope that Commissioner shall take decision on the representation made by 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 W.P. (S) No.2954/2014 on 13.08.2015 within a period of four weeks from the date of receipt/production of the copy of this order.

(4) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-