

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5634 of 2016**

- Sushil Kumar Dhritlahare S/o Shri Dayaram Dhritlahare, Aged About 38 Years Earlier Posted As Hostel Superintendent, At Adivashi Balak Ashram Aamadob, Block Gourela, Distirct Bilaspur R/o Village Jorapara Mochh Tahsil & P.S. Takhatpur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Thorough The Secretary Department Of Tribal Welfare, Mahanadi Bawan Mantralaya, New Raipur, Distirct Raipur Chhattisgarh
2. Collector, Bilaspur, Distirct Bilaspur Chhattisgarh
3. Assistant Commissioner, Tribal Welfare Department, Bilaspur Distirct Bilaspur Chhattisgarh
4. Sub Divisional Officer, (Revenue), Pendra Road, District Bilaspur Chhattisgarh
5. Circle Co Ordinatar, Gaurela, Distirct Bilaspur Chhattisgarh
6. Block Educaiton Officer, Gaurela, Distirct Bilaspur Chhattisgarh
7. Vijay Pal Singh Dhruv, Presently Posted At Hostel Superintendent At Adivasi Balak Ashram Aamadob, Block Gaurela, Distirct Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Mr. A.S. Rajput, Advocate

For State : Mr. R.K. Gupta, Dy. Advocate General on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/10/2016**

Heard.

1. The petitioner has challenged the order dated 14.09.2016, by which his representation against the transfer order dated 23.01.2016 has been rejected.
2. Learned counsel for the petitioner submits that on false complaint that the petitioner was not found on duty inquiry was initiated and he was transferred vide order dated 23.01.2016, which was challenged by filing a petition before this Court and finally disposed of vide order dated 07.04.2016 with a direction to consider his representation. While considering the representation, the Collector relied upon report dated 28.12.2015, which is factually incorrect because on 28.12.2015

the petitioner was on sanctioned leave, therefore, the allegation is not correct. It is submitted that the reasons for transfer of the petitioner to his original place of posting in the school being false, impugned order is liable to be set aside and the petitioner will be allowed to continue at the present place of posting.

3. The petitioner's substantive post is that of Siksha Karmi Grade – II. He was posted in the Hostel to work as Hostel Superintendent. After perusal of order dated 14.09.2016 and various notices which were given to the petitioner from time to time contemplating initiation of departmental action, it is found that against the petitioner, number of complaints were made by various quarters and one of the allegation was that he was absent from 28.12.2015. But, even if it is accepted that the petitioner was on sanctioned leave on 28.12.2015, it is found that there were number of complaints made against the petitioner which resulted in shifting of the petitioner from the Hostel to his original place of posting in school. Not only this, there are allegations that even after the petitioner was transferred vide order dated 23.01.2016, he did not comply with the order. For that also, various notices were given to the petitioner. Though various notices were issued initiating departmental action, the Collector, has taken a lenient view and dropped departmental action. However, the representation has been rejected with the direction that the petitioner has to go back to the school where from he has been brought to the Hostel.
4. Taking cumulative view of the entire circumstances and material on record and that the petitioner does not suffer any adverse action of loss of pay or imposition of any penalty, I am not inclined to interfere with the order of transfer or the order by which his representation has been rejected. It is found that there is no interim order passed by any authority or the Court, the petitioner till date has not complied with the transfer order. Therefore, in these circumstances, the petition is liable to be dismissed and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge