

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4803 of 2017

Rakesh Thakur S/o Shri Hari Singh Thakur, Aged About 49 Years Working As Revenue Inspector, Revenue Circle Kharora, Tehsil Tilda, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue & Disaster Management, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Jitendra Pali, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2017

Heard.

1. The transfer order is under challenge on the ground that while transferring the petitioner, the authority has not duly applied its mind because presently the petitioner is posted as Revenue Inspector in Revenue Circle, Kharora, Tahsil Tilda, whereas by the impugned order, the petitioner has been transferred showing him as having been posted at Tahsil & District Raipur which is factually incorrect.
2. The petitioner has already preferred representation bringing it to the notice of the authority but till date no order has been passed.
3. The posting order of the petitioner passed by the Collector on 12.7.2016 upon revocation of suspension and clause 3 of the transfer order dated 14.8.2017 if taken together, in the facts of the present case, it appears to be an outcome of non-application of mind. Therefore, unless the authority considers the matter, the petitioner cannot be compelled to proceed on transfer under an incorrect

transfer order.

4. The petitioner's representation shall be decided within a period of 4 weeks from the date of receipt of copy of this order. The authority shall verify whether it was the petitioner who was intended to be transferred or some other employee. Unless such a clarification is issued, the petitioner shall not be compelled to proceed on transfer.
5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen