

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4101 of 2017**

- Ajay Kumar Bajpai S/o Shri Nandan Prasad Bajpai, Aged About 52 Years R/o F/1, Jail Banglo, Jail Parisar, Central Jail Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. The Director General, Jail And Correction Services, Chhattisgarh Raipur, Chhattisgarh.
3. R.C. Dhruw, Posted As Assistant Jail Superintendent, Sub- Jail, Sarangarh, Disttict- Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	Mr. Gautam Khetrapal, Advocate
For Respondent No.3	Mr. Rajesh Kumar Sharma, Advocate
For Respondent /State	Mr. Ashutosh Pandey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****4/12/2017**

(1) Heard.

(2) Challenge in this petition is to the order dated 14.8.2017, by which, the petitioner has been transferred from Central Jail, Bilaspur to Sub-Jail, Sarangarh, District Raigarh (CG).

(3) The grounds raised by the petitioner are that the petitioner is suffering from mouth cancer and has recently undergone bypass surgery. Due to this ailment, the petitioner is undergoing regular

treatment at Bilaspur and at the transferred place, there is no proper medical facility available for such disease. Further, the impugned transfer order has been issued contrary to the transfer policy, as the same has been passed with a malafide intention, only to accommodate respondent No.3 on the proposal of the Minister.

(4) Considering the facts' situation of the case, it would be appropriate to allow the petitioner to prefer a representation before the concerned competent authority raising his grievance against the impugned transfer order.

(5) Let the petitioner prefer representation within a period of 04 weeks from today and thereafter, the concerned competent authority shall consider and decide the same within a reasonable time, in accordance with law and on its own merits.

(6) Till the representation of the petitioner is decided, the *status quo*, as it exists today, in respect of the petitioner's posting, shall be maintained.

(7) The writ petition is accordingly disposed of.

(8) It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order as opinion on the merits of the case.

Sd/-

Judge

(Prashant Kumar Mishra)