

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5670 of 2017

- Hemchand Bhargav, S/o Late Shri Devlal Bhargav, Aged About 61 Years, Earlier Posted As Superintendent At Tribal Boys Hostel, Davanpur, Block Kota, District Bilaspur, R/o Village Pipartarai, Via Ganiyari Tahsil and District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Schedule Caste And Schedule Tribe Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Commissioner Schedule Caste And Schedule Tribe Development Department, Indrawati Bhawan, Naya Raipur Raipur Chhattisgarh.
3. District Education Officer, Bilaspur District Bilaspur Chhattisgarh.
4. Assistant Commissioner Tribal Welfare Development Bilaspur District Bilaspur Chhattisgarh.
5. Collector, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner
For Respondent-State

Shri Ishan Verma, Advocate
Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

31/10/2017

On the prayer made by the learned counsel for the petitioner, he is allowed to implead the Collector, Bilaspur as respondent.

Let it be done during the course of the day.

1. Learned counsel for the petitioner would submit that the petitioner, aged about 61 years, is left with only 8 months of his service tenure, however, at this juncture, he has been transferred from Government Pre-Matric Tribal Boys Hostel, Ganiyari, Block Takhatpur to Middle School, Amadob, Block Gorela. It is also submitted that the petitioner is infact working at Tribal Boys Ashram School, Davanpur, Block Kota and not at Ganiyari.
2. Shri Ishan Verma, learned counsel for the petitioner would fairly submit that there being pressure from the higher officers for compliance of the impugned order, the petitioner has already joined at the transferred place contrary to his desires and despite the intense convenience which he is suffering. It is also submitted that the petitioner wants to serve at Davanpur i.e. his original place of posting.
3. Considering the entire facts situation of the case, the writ petition is disposed of with direction that in the event, the petitioner prefers a representation before the Collector, Bilaspur within a period of 2 weeks from today, the said

Officer shall consider and decide the petitioner's representation, at the earliest, preferably within a period of 8 weeks from the date of submission of representation.

4. 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

Nirala