

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5805 of 2017

- P. K. Mishra S/o Late Shri Tej Prasad Mishra, Aged 52 Years
Posted As Sub-Engineer, Hasdev Canal Water Management
Division, Janjgir, R/o Teacher Colony, Mangla, Bilaspur,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resource
Department, Mahanadi Bhawan Mantralaya, New Raipur,
Chhattisgarh
2. The Engineer-In-Chief, Water Resource Department, Sihawa
Bhawan, Raipur, District Raipur, Chhattisgarh
3. The Chief Engineer, Minimata Hasdev Bango Project, Bilaspur,
Chhattisgarh
4. The Sub Divisional Officer, Hasdev Canal Water Management
Sub Division No.1, Janjgir, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner	Mr. BP Sharma, Advocate
For Respondent /State	Mr. R. Tripathi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

3/11/2017

Heard.

(2) Challenge in this petition is to the order dated 10.8.2017, by which, he has been transferred from Hasev Canal Water Management Division Janjgir to Water Resource Sub-Division No.3, Jagdalpur, on administrative grounds.

(3) The ground raised by the petitioner is that the wife of the petitioner is suffering from several diseases and is taking regular

treatment at Bilaspur and if he will join at the transferred place of posting, he will not be able to provide proper treatment to her. Raising this ground, the petitioner has already made a representation for cancellation of the impugned order before the competent authority, but the same has not been decided till date. Further, since the petitioner is discharging his duties with sincerity and honesty, for the welfare and betterment of the farmers, a representation has also been made by the farmers for cancellation of his transfer order. According to the petitioner, he has been transferred without any administrative exigency, as no one has been transferred in his place, therefore, the impugned order is contrary to the transfer policy.

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

(5) Let the petitioner prefer the representation within a period of 04 weeks from today and thereafter, the concerned competent authority shall consider and decide the same within the next 8 weeks, in accordance with law and on its own merits.

(6) For a period of 12 weeks or till the representation is decided, whichever is earlier, 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)