

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5833 of 2017**

- Bhupendra Sonwani S/o Shri Santram Sonwani, Aged About 36 Years, Presently Posted As Chief Executive Officer, Janpad Panchayat Bharatpur, District Koriya, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Caste And Scheduled Tribe Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Department Of Scheduled Caste And Scheduled Tribe Development, Raipur, Chhattisgarh.
3. Shri Anil Kumar Nigam, Block Education Officer, Posted As Assistant Director, Office Of The Assistant Commissioner, Tribal Welfare, District Surajpur, Chhattisgarh.

---- Respondent

For Petitioner	Mr. Aditya Tiwari, Advocate
----------------	-----------------------------

For Respondent /State	Mr. R. Tripathi, Panel Lawyer
-----------------------	-------------------------------

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****6/11/2017**

(1) Heard.

(2) Challenge in this petition is to the order dated 27.10.2017, by which, he has been transferred from Janpad Panchayat Bharatpur to Janpad Panchayat, Pendra, on administrative grounds.

(3) The grounds raised by the petitioner is that the impugned order has been passed contrary to the transfer policy. Respondent No.3, the Block Education Officer, has been posted as Chief Executive Officer, Janpad Panchayat, Bharatpur, where the petitioner was already posted in his substantive capacity, and thus, his posting is contrary to the recruitment statutory rules as he is from an outside cadre. Further, the petitioner has completed only 6 months in his present place of posting.

(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 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)