

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 5862 of 2017**

- Onkar Prasad Kashyap S/o Shri Bholaram Kashyap, Aged About 56 Years Posted As Handpump Technician, Public Health Engineering, Sub-Division, Patan, District Durg Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Health Engineering Department, Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh
2. The Engineer In Chief, Public Health Engineering, Chhattisgarh, Indravati Bhawan, New Raipur Chhattisgarh
3. The Executive Engineer, Public Health Engineering, Durg, District Durg Chhattisgarh.
4. The Assistant Engineer, Sub-Division, Patan, District Durg Chhattisgarh.

**---- Respondent**

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For Petitioner

Shri Goutam Khetrapal, Advocate.

For Respondents/State

Shri Sameer Behar, P.L.

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**07/11/2017**

1. Challenge in this petition is to the order dated 14.08.2017 by which he has been transferred from Public Health Engineering, Sub-Division Patan, District Durg (C.G.) to Public Health Engineering, Sub-Division Gariyaband, (C.G.)

on the ground of administrative exigency.

2. The ground raised by the petitioner is that the order is contrary to the transfer policy and without there being any administrative exigency. According to the petitioner, in place of the petitioner no one has posted. The impugned order has been passed with ulterior motive only to harass the petitioner.
3. 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.
4. Let the petitioner prefer representation within a period of 4 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.
5. For a period of 10 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.
6. The writ petition is accordingly disposed of.
7. 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

Akhilesh