

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5874 of 2017

- Badri Vishal Nirmalkar S/o Vedram Nirmalkar, Aged About 56 Years Posted As Sub-Engineer, Hasdev Bayi Tat, Canal Sub-Division No. 7, Nariyara, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Engineer In Chief, Water Resources Department, Sihawa Bhawan, Civil Line, Raipur, Chhattisgarh.
3. The Superintending Engineer, Water Resources Division, District Janjgir Champa Chhattisgarh.
4. The Sub Divisional Officer, Water Resources Department, Sub-Division No. 7, Nariyara, District Janjgir Champa Chhattisgarh.
5. Anjani Kumar Shrivastava, Posted As Sub-Engineer, Hasdev Bayi Tat, Canal Sub-Division No. 4, Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Petitioner	Shri Goutam Khetrapal, Advocate
For Respondents/State	Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/11/2017

1. Challenge in this petition is to the order dated 10.08.2017 by which he has been transferred from Sub-Division No.7, Nariyara, District Janjgir-Champa (C.G.) to Water Resources Sub-Division No.4, Ramanujganj, District Balrampur (C.G.)

on the ground of administrative exigency.

2. The ground raised by the petitioner is that the impugned order is contrary to the transfer policy and without there being any administrative exigency. According to the petitioner, in place of petitioner no one is posted. The impugned order has been passed with an ulterior motive only to harass the petitioner. The petitioner would contend that the impugned order has been passed only to accommodate the respondent No.5 in place of 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