

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6183 of 2017**

- Hemcharan Rathore S/o Komal Prasad Rathore, Aged About 54 Years Posted as Sub Engineer, Sub Division No.1, Champa, District Janjgir Champa Chhattisgarh R/o Irrigation Colony, Sivni, Champa, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Engineer In Chief, Water Resources Department, Sihawa Bhawan, Raipur, Chhattisgarh.
3. The Chief Engineer, Minimata Hasdev Bango Project, Bilaspur Chhattisgarh
4. The Sub Divisional Officer, Canal Sub Division No. 1, Champa, District Janjgir Champa Chhattisgarh.
5. The Executive Engineer, Hasdev Canal Water Managment Division, Janjgir, District Janjgir Champa Chhattisgarh.
6. P. R. Sahu, Sub Engineer, Water Resource Division, Kota, District Janjgir Champa Chhattisgarh.

---- Respondent

For Petitioner	Shri Kamlesh Kumar Pandey, Advocate.
For Respondents	Shri Rajendra Tripathi, P.L.for the State.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board**27/11/2017**

1. Challenge in this petition is to the order dated 10.08.2017 by which she has been transferred from Sub Division No.1 Sivni, Champa to Water Resource Sub-Division, Kunkuri, District Jashpur on the ground of administrative exigency.
2. The ground raised by the petitioner is that the impugned order has been passed without there being any administrative exigency that to the same has been passed only to accommodate the respondent No.6 in place of the petitioner. The wife of the petitioner is suffering from several ailments.
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 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.
5. 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.

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