

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6563 of 2017

- Arvind Ekka, S/o Shri Suleman Ekka, aged about 41 years, R/o Fundurdihari, Lakdapara, Central Ward No.8, Near Sanjay Aata Chakki, Ambikapur, District Surguja C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh, through: Secretary, Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (C.G.)
2. Commissioner Land Records, Raipur, District Raipur (C.G.)
3. Commissioner, Surguja Division, Surguja, District Surguja, Ambikapur (C.G.)
4. Collector, Land Records, Surajpur, District Surajpur (C.G.)
5. Sub Divisional Officer (Revenue), Surajpur, District Surajpur (C.G.)
6. Tahsildar, Surajpur, District Surajpur (C.G.)
7. Nayab Tahsildar, Pilkha, District Surajpur (C.G.)

---- Respondent

For Petitioner	Shri Manoj Paranjpe, Advocate.
For Respondents/State	Shri Rajendra Tripathi, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/11/2017

1. Challenge in this petition is to the order dated 15.11.2017 by which the petitioner has been transferred from Patwari Halka No.42 Sunderganj, Surajpur to Patwari Halka No.08 Durgapur,

Tahsil Premnagar, District Surajpur on the ground of administrative exigency.

2. The ground raised by the petitioner is that the petitioner has been transferred without there being any administrative exigency and the impugned order has been passed with mala fide intention only to harass the petitioner. The impugned order of transfer has been passed by the Collector without having any jurisdiction as the appointing authority of the petitioner is the Sub-Divisional Officer.
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 petitioner shall be allowed to continue at their respective places of posting.
6. All the writ petitions are 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