

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6804 of 2017**

- Kamal Kant Shrivastava S/o J. P. Shrivastava, Aged About 42 Years R/o Village And Post Pandhi, Police Station Masturi District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste / Scheduled Tribe Welfare Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Commissioner, Scheduled Caste/Scheduled Tribe Welfare Department, Raipur, District Raipur, Chhattisgarh.
3. Additional Commissioner, Scheduled Caste/Scheduled Tribe Welfare Department, Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner
For Respondents/State

Shri Avinash Singh, Advocate.
Shri R.K. Mishra, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****06/12/2017**

1. Challenge in this petition is to the order dated 14.08.2017 by which he has been transferred from the Office of Asst. Commissioner, Tribal Welfare Department, Bilaspur (C.G.) to Development Block, Kartala, District Korba (C.G.) on the ground of administrative exigency.
2. The ground raised by the petitioner is that the impugned order has been passed without obtaining their being any

administrative exigency and as such, the same is in violation of the transfer policy issued by the State Government.

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