

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2546 of 2017

- Naresh Kumar Morya S/o Shri Purushottam Lal Morya, Aged About 36 Years Occupation Patwari Halka No. 17, Tahsil Udaypur, District Surguja (Chhattisgarh) R/o Fundurdihari Dhobipara, Ward No. 10, Ambikapur, District Surguja (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. The Collector, Surguja, Ambikapur, District Surguja (Chhattisgarh)
3. The Tahsildar, Tahsil Udaypur, District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Shakti Raj Sinha, Advocate
For Respondents/State	:	Mr. Satish Gupta, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/06/2016

1. Challenge in the present writ petition is to the order dated 24.05.2017 (Annexure P/1). By the impugned order, the petitioner has been transferred from Patwari Halka No.17, Tahsil Udaypur, Dist. Surguja to Patwari Halka No.19, Tahsil Sitapur, Dist. Surguja.
2. Undisputedly, the two places are adjoining places. The sole ground of challenge in the writ petition is the immunity of the petitioner, being the District President of the Chhattisgarh Patwari Sangh for Surguja District, he should not be transferred.

3. Learned counsel for the petitioner submits that the basis on which the petitioner claims the immunity is the circular of the erstwhile State of Madhya Pradesh dated 24.06.1998, which has been adopted by the State of Chhattisgarh on 25.08.2004.

4. A perusal of the writ petition does not disclose the period of stay of the writ petitioner at the present place of posting, i.e., Udaipur Tahsil, Dist. Surguja.

5. Further, from the documents annexed with the writ petition, this Court feels that the immunity to an Office-bearer of trade union is given with an intention that his trade union activities should not get adversely affected by virtue of the transfer order being issued. The order of transfer shows that it is from other Patwari Halka Number to another Patwari Halka Number. Though the Tahsil is being changed, but this Court cannot comprehend a situation where the petitioner's right of further pursuing his trade union activities would get adversely affected. It is only the Patwari Halka Number, which has been changed, the petitioner can very well carry on his trade union activity from his present place posting also. The petitioner has already made a representation dated 31.05.2017 (Annexure P/3) to the State Government for redressal of his grievance.

5. It is exclusively the prerogative and within the domain of the State Government to decide as to when and where the petitioner has to be posted and if the petitioner has made representation, it is expected of the State Government to take appropriate decision on the said representation made by the petitioner for redressal of his grievance. This Court is not

inclined to grant any protection to the writ petitioner except a liberty to the writ petitioner to pursue his remedy by making representation to the State Government. The State Government also, at the same time, is expected of deciding the representation of the petitioner, which he has made, within a reasonable period.

6. Accordingly, this petition, being devoid of merit, is liable to be and is dismissed.

Sd/-

(P. Sam Koshy)
V. Judge

/Anjani/