

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5783 of 2017

- R.K. Tiwari S/o Shri R. P. Tiwari, Aged About 52 Years Presently Posted As Senior Auditor, Directorate Of Higher Education Government Science College Compound, Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Principal Secretary, Department Of Higher Education, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
- Under Secretary, Department Of Higher Education, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
- Director, Directorate, Higher Education, Government Science College Compound, Raipur Chhattisgarh.

---- Respondent

For Petitioner	Shri Amrito Das with Shri P. Acharya, Advocates.
For Respondents/State	Shri R.K. Gupta, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

03/11/2017

1. Challenge in this petition is to the order dated 11.10.2017 by which he has been transferred from the post of Senior Auditor, Directorate of Higher Education, Raipur, Chhattisgarh to the post of Assistant Director, Regional Officer, Baster, Jagdalpur on the ground of administrative exigency.
2. The ground raised by the petitioner is that the impugned order has been issued to harass the petitioner, as the

petitioner has been transferred without there being any administrative exigency.

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

Akhilesh