

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6814 of 2017

- Jyotish Kumar Sarway S/o Shri Gopal Prasad Sarway, Aged About 37 Years (Patwari) R/o Johrapara Sarkanda, P S Sarkanda District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue & Disaster (A P D A) Management Department Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. State Of Chhattisgarh, Through Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. The Commissioner, Bilaspur District Bilaspur Chhattisgarh
4. The Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh
5. The Tahsildar Pamgarh, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Dheerendra Pandey, Advocate
Shri Ashutosh Pandey, PL

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 the petitioner has been transferred from Pamgarh, District Janjgir-Champa to Akaltara, District Janjgir-Champa on the ground of administrative exigency.

2. The ground raised by the petitioner is that the impugned order has been passed without 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 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 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