

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7114 of 2017**

- Jagat Narayan Mishra S/o Late Shri Ramlochan Mishra Aged About 55 Years Presently Posted As Junior Accounts Officer, Office of Assistant Commissioner, Tribal Welfare Department, Composite Office, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste And Scheduled Tribe Welfare Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Scheduled Caste And Scheduled Tribe Development Department, Indravati Bhawan, Naya Raipur, Chhattisgarh.
3. Assistant Commissioner, Scheduled Caste And Scheduled Tribe Development Department, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	Shri Amrito Das, Advocate.
For Respondents/State	Shri Rajendra Tripathi, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/12/2017**

1. Assailing the transfer order dated 05.12.2013, petitioner preferred writ petition bearing WPS No. 2742 of 2015 in which an interim order was passed on 10.08.2015 in the following terms:

“This petition is directed against the order dated 05.12.2013 whereby the petitioner, who is

working as Junior Accountant in the office of the Assistant Commissioner, Tribal Development, has been transferred to Sukma.

Since this petition has been filed in the year 2015 on the ground that the petitioner's representation has been recommended for rejection yet the petitioner has not been served with copy of order rejecting his representation and in the meanwhile petitioner is working at Bilaspur, this Court sought instructions from the learned counsel for the State.

Learned counsel for the State would submit, on instructions, that the petitioner was relieved vide order dated 06.12.2013, however, he would fairly submit that despite his relieving the petitioner is paid salary from Bilaspur.

In view of the above learned counsel for the State is directed to file return within four weeks.

In the meanwhile, the petitioner be allowed to continue on the post of Junior Accountant at Bilaspur, till the next date of hearing.”

2. The writ petition was eventually disposed of vide order dated 07.07.2017 in the following manner:

“This case was earlier referred to Lok Adalat. But the matter could not be settled, therefore, it is listed for hearing before the Court.

The petitioner, by this petition is challenging transfer order passed 05.12.2013. This Court passed an interim order staying the operation

of transfer order on 10.08.2015 which is still continuing.

Learned State counsel submits that at this state, the respondents may be granted liberty to pass fresh order as may be considered necessary in the exigency of service.

Learned counsel for the petitioner does not oppose.

The transfer order which has remained in abeyance because of the interim order shall no longer be given effect to. The respondents, however, are at liberty to pass fresh order as may be necessary in the administrative exigency in service.

As far as salary aspect is concerned, as the petitioner is continuing by interim order, the respondent shall consider and pass appropriate order and also provide salary for the entire period during which he has continued by an interim order. The petition at this stage is disposed of with liberty to prefer separate representation in respect of claim of salary for the period prior to interim order.”

3. It is stated today that the petitioner has not been paid salary from the date of relieving till the interim order was passed and the representation filed by him pursuant to the observation in Para 6 of the order dated 17.07.2017 is yet to be considered on merits.
4. Considering the fact that the representation has not yet been decided, the writ petition is disposed of with observation that

the representation preferred by the petitioner pursuant to the order dated 17.07.2017 shall be considered and decided on its own merits at the earliest, preferably within a period of 6 weeks from today.

Sd/-

Judge
Prashant Kumar Mishra

Akhilesh