

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4338 of 2017

Bhikhwa Ram Sahu S/o Shri Benu Ram Sahu, Aged About 56 Years Working As Patwari At Patwari Halka No 23, Up Tahasil Dharseewa, District Raipur, R/o House No. E/2, Kachna Road, Khamhardih, Shankar Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The State Of Chhattisgarh, Through: The Under Secretary, Revenue And Disaster Management Department Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
3. The Collector, (Land Record Branch), Raipur, District- Raipur, Chhattisgarh.
4. Sub- Divisional Officer, (Revenue) Raipur, District- Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Samir Behar, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2017

Heard.

1. The transfer order is under challenge on the ground that earlier the petitioner was transferred on his own request which order was challenged before this Court and the petition was disposed off vide order dated 12.8.2016 directing enquiry as to why the petitioner was transferred on his own request though he had not made any request and the petitioner was protected. Thereafter, the petitioner did not hear regarding any enquiry though the petitioner was allowed to continue in P.H. No.22. Now the petitioner has again been transferred. The other ground is that in place of

petitioner, nobody has been transferred which shows there no exigency. The third ground is that the petitioner has been transferred to a patwari halka which is 45 k.m. away from present place of posting.

2. Earlier, the petitioner was transferred on his own request which order was not given effect to because of the order passed by this Court and the petitioner continued at present place of posting and now the petitioner has completed three years of service and is being transferred to a place which is 45 k.m. away. Merely because no one has been posted at the place of the petitioner, that does not mean that the petitioner who has otherwise completed three years of posting cannot be transferred. Therefore, no case for interference is made out before this Court. However, it will be open for the petitioner to prefer representation on any other grounds available to him for consideration under transfer policy.
3. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge