

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 6 of 2017

Shivshankar Rajwade S/o Late Shri Shobit Ram, Aged About 43 Years Presently Posted And Working As Peon, Government Higher Secondary School, Mendrakala, Block Ambikapur, Distt. Surguja, Chhattisgarh, R/o Village Sukri, Tahsil Ambikapur, Distt. Surguja, Chhattisgarh

---- Petitioner

Versus

1. Shri T.C. Mahawar Commissioner, Surguja Division, Ambikapur, Distt. Surguja, Chhattisgarh
2. Shri Bhim Singh, Collector, Ambikapur, Distt. Surguja, Chhattisgarh
3. Shri Yogesh Shukla, District Education Officer, Ambikapur, Distt. Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Jitendra Shrivastava, Advocate
For Respondents	:	Shri Vivek Sharma, Advocate

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

Order On Board

14/02/2017

Heard.

1. This petition has been filed by the petitioner alleging willful disobedience of the order passed by this Court on 25.10.2016, in which there was direction to consider petitioner's representation on personal grounds within a period of four weeks. It is submitted that after the order was passed by the Court, copy of the order was submitted before the Divisional Commissioner on 8.11.2016 and then the Collector also considered and forwarded petitioner's representation vide memo dated 3.12.2016, but, even after lapse of four weeks, no order is being passed.
2. Learned counsel for the respondent submits that according to transfer policy dated 11th June, 2016, all matters relating to cancellation/modification of the transfer order are required to be examined and decision to be taken in

coordination as per special note appended after Clause-2 of the said policy. The respondents before the Court have already forwarded proposal to the Director and, therefore, at their end ,no further step is possible and the decision is to be finally taken by the Government in following the procedure of coordination.

3. Learned counsel for the petitioner submits that the procedure of coordination would apply only in the matter of State level transfer and not transfer within the district as is the case of the petitioner.
4. A special note has been given after Clause-2 of the transfer policy. Clause -1 relates to transfer within the district. Clause-2 relates to State level transfer and a note has been put after Clause-2. However, the manner in which the authorities are dealing with the transfer matter where there is an application for cancellation or modification, shows that the authorities are taking the policy in the manner that whether it be a case of district level transfer or State level transfer, cancellation/modification has to be done only in coordination. The respondents have already forwarded the proposal for cancellation/modification to the higher authority. Obviously, under the policy, they could not pass the final order in the matter. Therefore, I do not find that respondents have acted in willful disobedience of the order of the Court.
5. In view of the above, as far as respondents are concerned, no contempt can be initiated against them.
6. The contempt petition is, therefore, liable to be dismissed and is accordingly dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge