

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 373 of 2017

(Arising out of order dated 28.08.2017 in Writ Petition (S) No. 4074 of 2017 of the learned Single Judge)

- R. P. Sharma S/o Shri V. G. Sharma, Aged About 58 Years R/o C/o Praful Tiwari, Mohbhata, Road, Near Electrical Office, Bemetara District Bemetara Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Under Secretary, Agriculture And Bio Plastics, Department, Mahanadi Bhawan, Mantrayala, New Raipur District Raipur Chhattisgarh.
2. Under Secretary, Agriculture And Bio Plastics, Department, Mahanadi Bhawan, Mantrayala, New Raipur District Raipur Chhattisgarh.
3. R. R. Singh Chouhan, Sr. Garden Development Officer, Office Of Government Garden Ropniya Sharda, Block Development Lormi, District Mungeli Chhattisgarh

---- Respondents

For Appellant	:	Shri Vijay K. Deshmukh, Advocate
For State	:	Shri U.N.S. Deo, Government Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

10.10.2017

1. The Petitioner, who is now 58 years of age, challenges his order of transfer from Bemetara District to Jagdalpur. He tried to hold out that around three years ago, he had a coronary bypass and is under continuous treatment and has also now developed certain opthalmic problems. The learned Single Judge held that the matter

raised lies within the executive domain and the writ petition was accordingly dismissed leaving open liberty for the petitioner to pursue matters on the administrative side.

2. While the learned counsel for the writ petitioner/appellant pointed out that the representation on medical grounds may be directed to be considered, the learned Government Advocate is justified in submitting that the directions contained in the impugned order of the learned Single Judge itself takes care of that situation. We do not see any error of judgment or illegality in the matter of appreciation of the relevant facts or error of jurisdiction warranting interference for exercise of jurisdiction in this intra-Court appeal. The writ appeal therefore fails.

3. In the result, the writ appeal is dismissed without prejudice to the rights of the appellant to enjoy any benefit that the executive may extend in consideration of his representation.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge