

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 404 of 2017**

- R. K. Dewangan, aged about 52 years, S/o Late Rikhi Ram Dewangan, working as Senior Auditor, Office of the District Education Officer, District Dhamtari (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, through the Secretary, Department of School Education Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)
2. The Director, Directorate of Public INstructions, INdrawati Bhawan, Naya Raipur.
3. The District Education Officer, District Dhamtari (C.G.).
4. The District Education Officer, District Sukma (C.G.).

---- Respondents

For Appellant	:-	Shri Manish Nigam, Advocate
For the Respondent	:-	Shri Ravindra Agrawal, P.L.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board By Pritinker Diwaker, J.**31-10-2017**

Appellant who is working as Senior Auditor is aggrieved with his transfer order dated 14.08.2017 passed by the Government whereby he has been transferred from Dhamtari to Sukma. Appellant filed a writ petition i.e WPS No. 5013/2017 mainly on the ground that if he joins the transferred place, his seniority would be affected. Before the learned Single Judge, State counsel had given undertaking that in case the appellant joins at Sukma his seniority would not be affected. It is this order which has been assailed by the appellant in the present appeal .

2. Counsel for the appellant submits that purpose of filing of this appeal would be served if he is permitted to withdraw this appeal with liberty to pursue his

representation before the competent authority and the competent authority be directed to decide the same in the light of order passed by the writ court and also in terms of order passed today.

3. State counsel has no objection so far as the withdrawal of the appeal is concerned. He however submits that let the appellant file a fresh representation along with copy of this order and in turn the same may be decided in accordance with law.

4. In view of the above, present appeal is dismissed as withdrawn with the liberty as prayed for. Needless to state, if any such representation is made by the appellant same may be decided by the competent authority in accordance with law.

5. It is made clear that this Court has not expressed any opinion on merits of the case and it would be for the competent authority to act in accordance with law.

**Sd/
(Pritinker Diwaker)
Judge**

**Sd/
(Arvind Singh Chandel)
Judge**