

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.1602 of 2018

- Gopal Sharma S/o Late Shri R K Sharma Aged About 41 Years R/o Qtr. No. H/77 N B R Colony Police Station Civil Lines Rudri District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Water Resources Mantralaya Mahanadi Bhawan Naya Raipur, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Engineer , Department Of Water Resources M R P Basin Shankar Nagar Chowk Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Executive Engineer Water Management Division Code No. 38 Rudri , District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
4. Transfer Committee Through The Coordinator Department Of General Administration Mantralaya Mahanadi Bhawan Naya Raipur , Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri N. Naha Roy, Advocate
For Respondent/State	:	Shri S. Majid Ali, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/03/2018

Heard.

1. By this petition, the petitioner has challenged the order dated 27-01-2018, by which, the petitioner's representation against transfer order dated 14-08-2017 has been rejected.
2. Learned counsel for the petitioner would argue that earlier, the petitioner had filed a petition (WPS No.4497 of 2017) assailing the order of transfer, though local adjustment to another office on substantive ground that the office, where the petitioner has been transferred, there is no post of AG III or on equivalent or higher post, he should be adjusted and paid salary. Taking note of the aforesaid submission, that

petition was finally disposed off vide order dated 05-09-2017 with a direction to consider this aspect as to whether there is any post to accommodate the petitioner. But the respondents, without considering anything, mechanically rejected the representation of the petitioner. Therefore, the petitioner again approached this Court.

3. A perusal of the order passed on petitioner's representation shows that the relevant aspect, which was required to be considered in the light of observation made by this Court vide order dated 05-09-2017, has not at all been taken into consideration. To say the least, the order is nothing more than ritual rather than due application of mind. There is nothing in the said order to show that the place where the petitioner is being sent, there is any vacant post of AG-III, or on equivalent or higher post, against which, the petitioner could be directed to be adjusted. Therefore, the impugned order dated 27-01-2018 rejecting representation of the petitioner and the transfer order dated 14-08-2017, in relation to the petitioner, is quashed.

4. Accordingly, this petition is allowed.

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