

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4688 of 2011**

Anil Kumar Kshatriya, S/o. Late Shri B.L. Kshatriya, Aged about 46 years, R/o. Netaji Chowk (Bajar Gali), District Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, Agriculture Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. Director, Agriculture, Raipur, Chhattisgarh
3. Additional Director, Agriculture, Directorate, Raipur, Chhattisgarh
4. Joint Director, Agriculture, Bilaspur Division, Bilaspur, Chhattisgarh
5. Arun Kumar Singh, Working as Assistant Grade-3, Office of Sub-Divisional Officer, Agriculture, Sub-Division, Bilaspur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

02/08/2018

1. The dispute in the instant case is that the petitioner though is senior to many other persons in the Department, but in the gradation list, which has been published vide Annexure P/8, the petitioner has been placed much below than many of the officers, who have been appointed subsequent to the petitioner.
2. Perusal of the record would show that the petitioner has been periodically transferred from one place to another and the last transfer of the petitioner was on 27.10.2007, wherein it was at the request of the petitioner himself that he has been transferred from district Durg to district Bilaspur. The order of transfer is Annexure P/3, which very clearly reflects that the said transfer of the petitioner has been made at his own request.

3. Given the facts that the petitioner has been transferred from Durg to Bilaspur at his own request by itself means that there is a transfer at his own request from one division to another division.
4. The Rules governing the field stipulates that in the event of a person being transferred from one division to another division at his own request, he shall be placed last in the seniority list existing and maintained in the transferred division level cadre.
5. In the instant case also from the perusal of the gradation list, it appears that by virtue of his being transfer from Durg to Bilaspur at his own request, the petitioner has lost his seniority.
6. Under the given circumstances, this Court does not find any strong case made out by the petitioner calling for an interference by this Court so far as the gradation list is concerned. Leaving open the right of the petitioner to ventilate his grievances with the department, present writ petition stands dismissed at this juncture.

Sd/-
(P. Sam Koshy)
Judge