

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 187 of 2018

Ramkumar Tiwari S/o Late Shri Vishram Tiwari Aged About 56 Years Working
As Assistant Grade - 2 Tahsil Office Ramanujanj , District Balrampur
Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Revenue And Disaster
Management Department Mahanadi Bhawan Mantralaya New Raipur
Chhattisgarh, District : Raipur, Chhattisgarh
2. The Collector And District Election Officer, District Balrampur Ramanujanj
Chhattisgarh, District : Balrampur, Chhattisgarh
3. The Tahsildar Ramanujanj, District Balrampur Ramanujanj Chhattisgarh,
District : Balrampur, Chhattisgarh
4. Paikas Lakra, Posted As Assistant Grade - 2 Tahsil Office Ramanujanj
District Balrampur Ramanujanj Chhattisgarh, Lakshadweep

---- Respondents

Shri Rahul Mishra, counsel for the appellant/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

22/03/2018

Heard.

This appeal is directed against impugned order dated 31/01/2018 passed by
the learned single judge whereby the petition filed by the petitioner has been
dismissed with cost.

2. Though learned counsel for the petitioner vehemently argues to convince us
that the private respondent could not continue, once there is a transfer order, we do
not see any ground to interfere with the order passed by the single judge in so far as

findings with regard to writ of *quo warranto* is concerned. Apparently, the petition filed by the petitioner does not involve any issue of *quo warranto* as there is no material to show that the private respondent has usurped the public office though he was not qualified to hold the office in accordance with law.

3. This is only a matter of transfer and posting. The order passed by the learned single judge does not call for any interference. The writ appeal is accordingly dismissed.

4. Learned counsel for the appellant, at the end, submits that he is not getting salary.

5. This is not an issue for consideration in this appeal. The appellant may raise this issue in a separately constituted proceedings under the law.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Sharad Kumar Gupta)
Judge