

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3987 of 2018

K.K. Hirwani S/o Late Shri Y.C. Hirwani, Aged About 57 Years Post-Sub Engineer, Posted At P.H.E. Sub Division, Dantewada, R/o P.H.E. Colony, Dantewada, District South Bastar Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Health Engineering, Mahanadi Bhavan, Ministry, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Engineer In Chief, P.H.E. Department, Neer Bhavan, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Alok Kumar Dewangan, Advocate
For State	:	Shri Ramakant Mishra, Dy.A.G.

S.B. : Hon'ble Shri Justice Sanjay Agrawal

Order On Board

06/06/2018

1. Heard on IA No.2, application for hearing during summer vacation & IA No.3, application for urgent hearing.
2. On due consideration and the reasons assigned in the applications, both the applications (IA No.2 & 3) are allowed.
3. Heard on admission.
4. In this petition, transfer order dated 14.8.2017 (Annexure P-1) is under challenge by which the petitioner has been transferred from PHE Sub-Division Dantewada to PHE Sub-Division Kharsiya, District- Raigarh on the ground of administrative exigency.

5. The ground raised by the petitioner is that impugned order has been passed without any administrative exigency and as such, the same is in violation of transfer policy issued by the State Government.
6. Considering the facts situation of the case, it would be appropriate to allow the petitioner to prefer a representation before the concerned competent authority raising his grievance against the impugned transfer order dated 14.8.2017 (Annexure P-1).
7. Let the petitioner prefer representation within a period of 30 days from today and thereafter, the concerned competent authority shall consider and decide the same within next 6 weeks, in accordance with law and on its own merits.
8. Till the representation is decided, status quo, as it exists today, in respect of the petitioner's posting, shall be maintained.
9. The writ petition is accordingly disposed off.
10. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authority/concerned competent authority shall decide the matter on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-
(Sanjay Agrawal)
V. Judge