

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6787 of 2017

Manish Shrivastava S/o Late Shri A. L. Shrivastava, Aged About 43 Years
Working As Forester Post Belpat Tehsil Pendra Road, District Bilaspur
Chhattisgarh, Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest,
Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.,
Chhattisgarh
2. Under Secretary, Government Of Chhattisgarh, Department Of Forest,
Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
District : Raipur, Chhattisgarh
3. Divisional Forest Officer, Division Marwahi, District Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh
4. Shri Santosh Kumar Kant. Working As Forest Division Marwahi, District
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh **-Respondents**

For Petitioner	:	Mr. Jitendra Pali, Advocate
For Respondents No.1 to 3/State	:	Mr. Dhiraj Wankhede, G.A.
For Respondent No.4	:	Mr. Ashutosh Pandey, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2018

Heard.

1. The petition has been filed by the petitioner challenging the transfer order mainly on three grounds. Firstly, that under transfer order dated 30.07.2016, the petitioner could not proceed to join until 30th June, 2017 because person, who was transferred at the joining place of the petitioner, had approached this Court and granted stay till his retirement. The petitioner joined on 30.06.2017 and thereafter within a period of 45 days, he was transferred. The second ground is that the petitioner is an office bearer, therefore, he is entitled to direction for protection for a period of three years. The third submission is that the impugned order has been passed by under Secretary seeking to correct transfer order dated 14.08.2017 with

respect to posting of respondent No.4 in place of the petitioner which is without jurisdiction because he has no such authority. According to learned counsel for the petitioner, transfer order was passed by the State Government, by order and in the name of the Governor and order of modification has been passed by under Secretary only.

2. As far as the petitioner's office bearership is concerned, there is serious dispute. State has come out with return that the petitioner is not an office bearer.

3. The order dated 13.11.2017 (Annexure P/1) seeks to modify posting of some person in place of the petitioner but it does not carry out any modification in so far as transfer of the petitioner from present place is concerned.

4. On these aforesaid grounds, I am not inclined to exercise my discretion to interfere with the transfer order as these are only administrative matter.

5. However, the ground that the petitioner was transferred within a very short period of 45 days is certainly a matter which should be examined by the State as to how could the petitioner be transferred within such a short period. It appears that the petitioner's transfer order passed earlier on 30.07.2016 could not be carried out by the petitioner because some other person had obtained interim order. This fact perhaps was not within the notice of the State Government. Therefore, only on the aspect of frequent transfer, the State is required to consider and decide the matter within a period of four weeks from the date of receipt of copy of this order. Till decision is taken, the interim order passed by this Court shall continue.

6. The petition is accordingly partly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge