

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5199 of 2017

Mohd. Farookh Javed S/o Ajhar Ull Aged About 40 Years R/o Behind Saraswati Shishu Mandir Jashpur District Jashpur Chhattisgarh. , Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Revenue And Disaster Management Department Mahanadi Bhawan Mantralaya New Raipur District Raipur Chhattisgarh. , Chhattisgarh
2. The Under Secretary, State Of Chhattisgarh Revenue And Disaster Management Department Mahanadi Bhawan Mantralaya New Raipur District Raipur Chhattisgarh. , District : Raipur, Chhattisgarh
3. The Collector, Jashpur District Jashpur Chhattisgarh. , District : Jashpur, Chhattisgarh

---- Respondents

Smt. Hamida Siddiqui, counsel for the petitioner/s.
Shri Majid Ali, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/02/2018

In this petition, earlier this Court required the State to seek instructions in the matter whether the place where the petitioner has been transferred exists or not.

2. Learned State counsel, at the outset states that now a modified order has been issued on 30/10/2017 in which the place of transfer is now corrected as Tahsil – Farsabahar, District – Jashpur. Therefore, first ground does not survive. The other ground is that the petitioner is an office bearer of the union, therefore, he may be exempted from transfer. As the petitioner has completed three years of posting, this ground is not made out.

3. The other ground that the petitioner's wife is posted at nearby place and there are other places where the petitioner could be accommodated, be taken into consideration on petitioner's representation.

4. The petitioner shall now make a fresh representation within 10 days from today. Thereafter, the respondents shall decide petitioner's representation within a period of four weeks from the date of receipt of representation.

For a period of five weeks, no coercive steps shall be taken against the petitioner.

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

Deepti