

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4999 of 2018**

Narayan Singh Rathia S/o Shri Ghasiya Ram Rathia, Aged About 50 Years, Occupation - Service, Presently Working as Patwari, Patwari Halka No. 49, Tahsil - Dharamjaigarh, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh through the Secretary, Department of Revenue, New Mantralaya, Mahanadi Bhawan, Police Station - Rakhi, New Raipur, District Raipur, Chhattisgarh
2. The Collector, District Raigarh, Chhattisgarh
3. The Sub Divisional Officer (Rev.), Sub Division - Dharamjaigarh, District Raigarh, Chhattisgarh
4. Tahsildar, Tahsil – Dharamjaigarh, District Raigarh, Chhattisgarh
5. Parmanand Kanwar, Patwari, Patwari Halka No. 52 (KatayEEPali), Tahsil - Dharamjaigarh, District – Raigarh, Chhattisgarh

---- Respondents

For Petitioner	: Shri Rahul Tamaskar, Advocate
For Respondent/State	: Shri R. K. Gupta, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.08.2018**

The grievance of the petitioner in the present writ petition is to the order dated 02.07.2018 Annexure P-1 whereby the Tahsildar has issued an order transferring respondent no.5 to Patwari Halka No.49 where the petitioner is otherwise discharging the duty of Patwari.

2. The order reflects that Respondent no.5 has been sent on transfer to Patwari Halka No. 49 replacing one Vijay Das Bedga who was never posted at Patwari Halka No.49. The other grievance of the petitioner is that the original

order of transfer Annexure P-3 dated 25.06.2018 was issued by SDO which could not have been modified by Tahsildar vide Annexure P-1. It was lastly contended by the counsel for the petitioner that recently the petitioner had to get his right leg below knee amputated and therefore, the respondent authorities may take a sympathetic view while deciding the posting of the petitioner and if possible, may be retain at the same Patwari Halka where the petitioner is presently posted.

3. Counsel for the State submits that let the dispute between the parties be resolved by a speaking order passed by respondent no.3 SDO who while deciding the place of posting of the petitioner so also respondent no.5 shall take into consideration all the aforesaid submissions.

4. Given the aforesaid facts and circumstances of the case and the submissions made by the counsel appearing on the either side, this Court is of the opinion that ends of justice would serve if the writ petition itself is disposed of with a direction that respondent no.3 SDO (Rev.), Dharamjaigarh shall take into consideration the grievance of the petitioner and pass an appropriate order so far as posting of the petitioner and respondent no.5 is concerned. Respondent no.3 shall also bear in mind the recent amputation of the right leg of the petitioner while deciding his place of posting. Till the decision is taken by respondent no.3, the authority concerned shall be restrained from giving effect to the order Annexure P-2 dated 24.07.2018 so also the order dated 02.07.2018 Annexure P1 so far as it relates to the petitioner is concerned.

5. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**