

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5063 of 2018**

Kailash Prasad Dewangan S/o Late Shri F. P. Dewangan, Aged About 51 Years, R/o Danganiya, C/o Jainarayan Dewangan, Raipur, District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, New Raipur, Police Station- Rakhi, District- Raipur, Chhattisgarh
2. State Election Commission, Office Of Chief Electoral Officer, Through The Chief Electoral Officer, Shastri Chowk, Old Mantralaya Premises, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate
For State	:	Shri Majid Ali, Govt. Advocate
For respondent no.2	:	Rahul Kumar on behalf of Shri R. S. Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.08.2018**

Challenge in the present writ petition is to the order Annexure P-1 dated 31.07.2018 whereby the petitioner who was working on the post of Assistant Superintendent Land records has been posted at Sarguja.

2. Counsel for the petitioner submits that the petitioner is aged more than 60 ½ years and as such there is only about 17 months of service left. If the petitioner at the fag end of his career is shifted from Raipur to Sarguja, he and his family would be put to irreparable inconvenience and

loss. He submits that the instructions of the Election Commission would not be applicable so far as the petitioner's case is concerned since he is not directly posted in any of the field, neither has he completed 3 years of normal tenure at one station. He further submits that even otherwise the petitioner has already served more than 10 years at a scheduled area and therefore, by the transfer order he is again being sent to another scheduled area which again is in contravention to the circulars of the State Govt.

3. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that ends of justice would serve if the petition is disposed of with a direction to the petitioner to make a suitable representation to respondent no.1 within a period of 15 days from today and on such representation being made, respondent no.1 shall consider and decide the same within a further period of 8 weeks. Meanwhile, till the representation of the petitioner is decided, the respondents shall not give effect to the impugned order Annexure P-1 so far as the petitioner is concerned.

4. The writ petition stands allowed and disposed of.

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