

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5224 of 2018**

Vijay Kumar Sharma S/o Late Shri Shivshanker Sharma Aged About 60 Years Occupation - Service, Presently Posted As Assistant Superintendent Land Record (ASLR) Rajnandgaon, R/o Near Badi Masjid, Beg Babu Kirana Stores, Pathanpara, Rajnandgaon, Civil And Revenue District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Revenue And Disaster Management Department Mantralaya Mahanadi Bhawan Capital Complex, Naya Raipur, District Raipur Chhattisgarh.
2. Commissioner, Land Record Indrabati Bhawan New Raipur, District Raipur Chhattisgarh.
3. Collector/District Election Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Samir Singh, Advocate
For State	:	Mr. R.K. Gupta, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/08/2018**

1. The grievance of the petitioner in the present writ petition is to the impugned order of transfer (Annexure P/1) dated 31.07.2018, whereby the petitioner, who is working as a Assistant Superintendent (Land Records) at Rajnandgaon, has been transferred to Surajpur.
2. The contention of the petitioner is that the Collector Rajnandgaon in the capacity of the District Election Officer had vide order dated 23.07.2018 appointed the petitioner also in the team for preparation of the electoral rolls. The name of the petitioner is reflected at serial No.5 in the order dated 23.07.2018.
3. The counsel for the petitioner drew the attention of this Court to the provisions of Section 13(C)(C) of the Representation of Peoples Act, 1950, wherein it has been categorically held that once an employee

is posted under the election officer for revision or correction of electoral rolls, such employee thereafter come under the control, superintendence and discipline of the Election commission and without the consent and permission of the Election Commission, the petitioner could not have been transferred.

4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that let the petitioner make a detailed representation in this regard to the respondent No.1 highlighting this aspect of the provisions of the Representation of Peoples Act and the protections provided therein to the persons, who have already been entrusted with the work of preparation of revision and correction of the electoral rolls.
5. Subject to the petitioner making a representation within a period of 15 days from today, in addition to the representation which he has already made, the respondent authorities shall further within a period of 60 days from the date of receipt of the representation decide the same objectively, considering the aspect whether the transfer of the petitioner could have been made or not. Meanwhile, till a decision on the representation is taken by the respondent No.1, there shall be stay of the effect and operation of the impugned order so far as the petitioner is concerned.
6. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge