

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) No. 6156 of 2018**

Ullas Kumar Kopulwar S/o Late Shri Ramrao Kopulwar Aged About 57 Years Occupation In-Charge Executive Engineer, Posted At Imploementation Unit No.1, Kanker Chhattisgarh Gramin Development Authority, Kanker District- Kanker, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Panchayat and Gramin Development Department, Mahanadi Bhawan, Atal Nagar, New Mantralaya, District- Raipur, Chhattisgarh.
2. Deputy Secretary Panchayat and Gramin Development Department, Mahanadi Bhawan, Atal Nagar, New Mantralaya, District- Raipur, Chhattisgarh.

----Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate.
For State	:	Shri RK Gupta, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/09/2018**

1. Challenge in this petition is to the order dated 10.09.2018 (Annexure P/1) whereby the services of the petitioner has been transferred from Kanker to Jashpur.
2. The challenge to the impugned order is on two grounds. Firstly, the petitioner has been recently sent to Kanker only by order dated 08.06.2018 and the petitioner having joined the said place on 14.06.2018 and less than about three months time the petitioner has been now shifted from Kanker to Jashpur which is entirely different direction and distance between the two places is more than 600 Kms. The second ground raised is that after having joined at Kanker, the petitioner was given the election duties and once the petitioner has been given election duties, the services of the petitioner comes under

the Election Commission and the petitioner under said circumstances could not have been transferred.

3. The counsel for the State however submits that the order dated 08.06.2018 was only giving additional charge to the petitioner at Kanker and substantially he must have been at Raipur itself and therefore the first ground raised by the petitioner of the present order being a case of frequent transfer may not be a substantial ground for the petitioner.
4. The counsel for the petitioner rebuts the same on the ground that the order impugned itself shows that the order has been made transferring the petitioner from Kanker to Jashpur and it is not from Raipur to Jashpur. He further submits that even the petitioner is drawing his salary from Kanker. Further, had he not been posted at Kanker, he would not have been granted election duties.
5. In view of the above submissions made by the parties, let the petitioner make a detailed representation in addition to the representation dated 12.09.2018 within a period of 10 days from today and the respondent No.1 shall scrutinize the entire contents which the petitioner would raise in his representation, so also the observations made in this order, and thereafter pass a suitable order on the representation of the petitioner at the earliest. Meanwhile, the respondents shall be restrained from giving effect to the impugned order dated 10.09.2018 (Annexure P/1) so far as the petitioner is concerned.
6. Accordingly, the petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge