

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6615 of 2018**

Aditya Sharma S/o Late Murari Lal Sharma, Aged About 53 Years
Presently Working As Assistant Sub Inspector At Police Telecom,
Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department,
Mahanadi Bawan, Atal Nagar, New Raipur, Chhattisgarh
2. Directorate General Of Police, Police Head Quarter, Sector -19, Atal
Nagar, Raipur Chhattisgarh
3. Additional Director General Of Police, Police Telecom, Police Head
Quarter, Sector - 19, Atal Nagar, Raipur, Chhattisgarh
4. Superintendent Of Police, Police Telecom, Bilaspur Zone, Bilaspur
District Bilaspur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/10/2018**

1. The grievance of the petitioner in the present writ petition is that the petitioner vide order dated 22.09.2018 has been transferred from Bilaspur to Bijapur.
2. The solitary ground of challenge is that the said order of transfer is in violation to Section 22 of the Chhattisgarh Police Act, 2007. The sub-section 2 of Section 22 reads as under:

“22. Police Establishment Board.-**(1) xxxxxx**

(2) The Board shall perform the following functions and duties-

(a) Transfer of subordinate ranks up to the level of Inspector from one Zone or Range or District to another;

(b) Receive and examine representation from police officers aggrieved by any order of superior officers, other than the orders passed under the rule made under the Article 309 of the Constitution of India and-

I. Decide such representation if it is received from a police officer of the subordinate rank;

II. Make recommendation to the State Government in other cases."

3. From reading of the aforesaid statutory provisions, it clearly reflects that for transfer of all officers up to the level of Inspector from one zone, or range or district to another, it is only the Police Establishment Board constituted by the State which is empowered to issue the order of transfer.

4. The impugned order Annexure P/1 in the present writ petition does not disclose any such exercise to have been done by the Police Establishment Board.

5. Given the said facts, let the petitioner make a detailed representation to the respondent No.2 in this regard within a period of 10 days from the date of receipt of the certified copy of this order, who in turn shall take a final decision on the representation of the petitioner within a period of three months from the date of receipt of representation of the petitioner. Meanwhile, there shall be a stay of the effect & operation of the impugned order so far as the petitioner is concerned.

6. With the aforesaid observation, the writ petition stands disposed off.

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