

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6837 of 2018**

Omprakash Tripathi S/o Late Ramesh Prasad Tripathi, Aged About 54 Years, Presently Working As Head Constable, At Police Telecom, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

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

----Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/10/2018**

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 Kondagaon.
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 the aforesaid reading of the statutory provisions, it clearly reflects that for the 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 having being 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 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. Meanwhile, there shall be a stay of the effect & operation of the order, so far as the petitioner is concerned.
6. With the aforesaid observation, the writ petition stands allowed and disposed off.

Sd/-

**(P. Sam Koshy)
Judge**