

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7107 of 2018

Anil Das S/o Late Gopal Das, Aged About 49 Years, Working As- Block Education Officer, Block- Bakawand, District- Bastar, Chhattisgarh, R/o Indrawati Colony, Lalbagh, Jagdalpur, District- Bastar Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through- Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Police Station- Rakhi, District- Raipur Chhattisgarh.
2. The Collector, Bastar, Office Of Collectorate, Bastar, Jagdalpur, District- Bastar (Chhattisgarh).
3. District Education Officer, Bastar, Place- Jagdalpur, District- Bastar Chhattisgarh.
4. District Education Officer, Narayanpur Place Narayanpur, District- Narayanpur (Chhattisgarh).
5. Dr. Khemeshwar Panigrahi, Block Education Officer, Block - Narayanpur, District- Narayanpur Chhattisgarh.
6. Shri Ganesh Pandey, Primary Middle School, Padoki, Clovk- Vishrampur, District- Kondagaon (Chhattisgarh).

---Respondents

For petitioner	:	Shri P.K.Tulsyan, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/10/2018

1. The challenge in the present Writ Petition is to the order of transfer dated 04/10/2018 whereby the petitioner whose name appears at Sr.No.93 on the said list ordered to be transferred as Block Education Officer, Narayanpur.

2. The petitioner has annexed Annexure-P/2 with the Writ Petition which has been passed by the same authority who has passed Annexure-P/1 and vide the said order, the respondents have issued an order in favour of one Khemeshwar Panigrahi, a suspended Block Education Officer revoking his suspension order and ordering him to be posted as the Block Education Officer, Narayanpur i.e. the same place where the petitioner has been ordered to be posted vide Annexure-P/1.

3. Thus, in the given facts, it would be difficult for the petitioner to assume the charge at the same place where he has been posted.

4. Moreover, vide order dated 06/10/2018, the services of the petitioner has been ordered to be relieved though he is still holding the charge and the reliever who has to come in place of the petitioner has till date not assumed the charge.

5. In the given facts, for a situation where the petitioner would find it difficult in executing the order of transfer as that post has already been occupied by Khemeshwar Panigrahi, the reliever of the petitioner also having not assumed his duties, let the entire dispute be resolved by the respondent No.1 by considering the case afresh.

6. So far as the transfer of the petitioner is concerned, let the petitioner make a detailed representation in this regard to the respondent No.1 within a period of 15 days and on such representation being made, the respondent No.1 shall decide the same within further period of 45 days.

7. Meanwhile, the effect and operation of the impugned order dated 04/10/2018 as also the order dated 06/10/2018 transferring the petitioner as also the issuance of ex-parte relieving order of the petitioner in the aforesaid facts and circumstances of the case would not be given effect to.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit