

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7248 of 2018**

Anil Kumar Verma S/o Late Dukhu Ram Verma, Aged About 45 Years, Post Food Inspector Bilaigarh, Present Address Village Suhela Tahsil Simga, District Balodabazar Bhatapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Food Civil Supplies And Consumer Protection Department Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
2. The Director, Directorate Food Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
3. The Collector Collectorate (Department Of Food) District Balodabazar Bhatapara, Chhattisgarh
4. Amit Kumar Shukla, Food Inspector, Aged About 37, Posted At Dantewara District Dantewara, Chhattisgarh

---- Respondents

For Petitioner	:	Shri N. K. Malaviya, Advocate
For State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/11/2018**

The instant petition is challenging the order dated 22.09.2018 Annexure P-1 whereby the petitioner has been transferred from Balodabazar to Dantewada and in place of the petitioner, respondent no.4 has been transferred from Dantewada to Balodabazar. The challenge is

also to the order dated 04.10.2018 whereby the petitioner has since been relieved from his post.

2. The petitioner has filed the present writ petition basically on two grounds; The first ground is that the petitioner has been transferred only to accommodate respondent no.4 and the second ground is that the petitioner has already worked in a schedule area and at the earlier place of posting, there was a threat to his life and it was on that ground that the petitioner was transferred to Balodabazar. That now he is being again sent to a place where the threat still survives. He has made a representation against the order of transfer and relieving before the authority which till date has not been decided.

3. So far as the first ground is concerned, this Court is not impressed on the said ground as Annexure P-1 itself reflects that most of the transfers made vide order dated 22.09.2018 were at their own request which means it has been made on the request made by each of the employees concerned.

4. Given the said fact, if the petitioner incidentally gets affected, that cannot be a ground for holding the order of transfer to be malafide and bad in law.

5. So far as the second ground is concerned, since from the pleadings it reflects that the petitioner had already worked in the core naxalite area during 2008 to 2011 and in between, the petitioner appears to have received some threat from the naxalites and considering this fact he was transferred from the naxalite area to Balodabazar.

6. Given the said fact, subject to verification of the correctness of the averments made by the petitioner and other facts and circumstances of the

case, let the authorities particularly respondent no.1 take a decision on the representation so filed by the petitioner collectively marked as Annexure P-5.

7. The writ petition accordingly stands disposed of. It is expected that the authority would take a decision at the earliest preferably within a period of 45 days from the date of receipt of copy of this order. The petitioner would also be at liberty to file a fresh representation if he so feels to respondent no.1 ventilating his grievances

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