

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7144 of 2018**

Vishnu Kumar Jaiswal S/o Mohan Jaiswal, Aged About 40 Years,
Working As Forest Guard, Beat Newri, Khodri Range, Via Pendra,
District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Forest,
Mantralaya, Mahanadi Bhavan, Atal Nagar, District Raipur
Chhattisgarh
2. Principal Chief Conservator Of Forest, Atal Nagar, Raipur
Chhattisgarh
3. Chief Conservator Of Forest, Bilaspur Circle, Sindhi Colony,
Jarhabhata, Bilaspur Chhattisgarh
4. Divisional Forest Officer, Division Marwahi, District Bilaspur
Chhattisgarh
5. Shri Sanjay Tripathi, Forest Range Officer, Forest Range Khodri,
Division Marwahi, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Jitendra Pali, Advocate
For State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26.10.2018**

The challenge in the present writ petition is to the order dated
04.10.2018 whereby the petitioner in the garb of an order of posting has
been shifted from Khodri range to Gourela range by respondent no.4.

2. Perusal of the record would show that there are instructions issued by the State Govt. so also by the departmental head of respondent no.3 restraining the DFOs from posting/issuing transfer orders to the employees under them. It has been repeatedly held that transfers can only be made by the State Govt.

3. Moreover, perusal of the record would further show that the petitioner in the present case has been subjected to frequent change of posting at very short intervals. This again is not a proper approach to be made so far as the employees are concerned and it also has an adverse bearing on the working capacity of an individual.

4. Given the said facts and circumstances of the case, particularly taking note of the circulars of the State Govt. as also by the Principal Chief Conservator of Forest Annexure P-12 dated 09.12.2014 as also the circular dated 18.11.2015, let the petitioner make a detailed representation in this regard within a period of 10 days from today to respondents 3 & 4 who in turn shall consider the case of the petitioner so far as his posing is concerned keeping in view the aforementioned circulars of the State Govt. and thereafter pass an appropriate order. Meanwhile, the respondents are restrained from giving effect to the impugned order as also the relieving order so far as the petitioner is concerned. Let the decision be taken within a period of 90 days from the date of receipt of representation of the petitioner.

5. The writ petition accordingly stands disposed of.

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