

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7307 of 2018

Jawahar Lal Kaivartya S/o Shri Ram Gopal Kaivartya, Aged About 52 Years, Working As Forest Guard, Chuwabahra Beat, Marwahi Range, Division Marwahi, 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 Marwahi, Division Marwahi, District Bilaspur, Chhattisgarh.

---Respondents

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| For petitioner | : | Shri Jitendra Pali, Advocate. |
| For State      | : | Shri Syed Majid Ali, Dy.G.A.  |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/11/2018

1. The challenge in the present writ petition is to the order Annexure P-1 dated 04.10.2018 whereby the petitioner has been posted from his present place of posting at Marwahi range to Gourela range (Kabeer Barrier) on special duty.
2. The sole contention of the petitioner is that the State Govt. has issued a circular dated 09.12.2014 which again has been reiterated on 18.11.2015

whereby it has been specifically mentioned from the office of the Principal Chief Conservator of Forest that even in the name of allotment of duties, the posting of an employee should not be carried out without permission and sanction from the higher authorities. It was also mentioned that if at all if the change of posting or transfer has to be made, appropriate recommendation should be made to the higher authorities for issuance of the same. In spite of the specific order issued by the State Govt., respondent no.4 has now issued the impugned order.

3. Given the nature of dispute, let the petitioner make a detailed representation in this regard to respondents 2 & 3 within a period of 3 weeks from today and on receipt of such representation, respondents 2 & 3 shall take an appropriate decision on the representation of the petitioner particularly keeping in view the circulars dated 09.12.2014 and 18.11.2015 and also any other circular which is there in this regard. Till the representation of the petitioner is decided by the respondent authorities, the effect and operation of the impugned order shall remain stayed.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

**(P. Sam Koshy)**  
**JUDGE**