

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7479 of 2018**

- Gajpati Nayak S/o B.L. Nayak, Aged About 58 Years, R/o HIG, B-3, Housing Board Complex, Opposite New Bus Stand Durg, Tehsil And District Durg Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Departmental of Revenue and Disaster Management, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Deputy Secretary, Departmental of Revenue and Disaster Management, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Under Secretary, Departmental of Revenue and Disaster Management, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
4. Collector Durg, District Durg Chhattisgarh

---- Respondents

For Petitioner : Shri R.K. Gomasta, Advocate

For Respondents/State : Shri Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.11.2018**

1. Present is the second round of litigation.
2. Challenge in the present writ petition is to the order Annexure-P-1 dated 29.09.2018. The first round of litigation was W.P.(S) No. 5239 of 2018 whereby the order of transfer dated 31.07.2018 transferring the petitioner from Durg to Dantewada was challenged. While deciding the said writ petition, this Court was of the clear view that the issue which the petitioner had raised challenging the order of transfer was not within the ambit of Article 226 of the Constitution of India for scrutiny. This Court had disposed of the writ petition directing the petitioner to avail remedy of making representation

to the department for ventilating his grievance. On the representation made by the petitioner, the authority has passed the impugned order (Anexxure-P/1).

3. Given the facts and circumstances of the case, particularly the reason assigned and also considering the fact that this Court did not interfere with the order of transfer at the first instance, this Court is of the opinion that nothing further now remains to be adjudicated upon. Further, considering the order passed by the State Government while rejecting the representation also, this Court finds it difficult to interfere with the same, particularly when respondents have assigned specific reason on transferring the petitioner from Durg to Dantewada and also while rejecting the representation of the petitioner. The writ petition accordingly fails and is hereby dismissed.

4. Dismissal of the writ petition would not preclude the petitioner to further approach the authorities for redressal of his grievance.

Sd/-

(P. Sam Koshy)
Judge