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**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 7517 of 2018**

P. Venkat Shrinivas S/o Shri P. Pidanna Shrinivas, Aged About 30 Years, R/o 6th Battalion, C.A.F. Police Line, Q. No. 20/56, Urdawa, P.S. Raigarh, Tehsil And District Raigarh, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home / Police, Mahanadi Bhawan, Mantralaya, P.S. And P.O. Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Director General Of Police (D.G.P.), Police Headquarter (P.H.Q.), Near Mahanadi Mantralay, P.O. Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. Additional Director General Of Police (A.D.G.P.) Telecommunication, Police Head Quarter (P.H.Q.), Near Mahanadi Mantralay, P.S. And P.O. Rakhi, Atal Nagar, New Raipur, District New Raipur Chhattisgarh
4. Superintendent Of Police, Telecommunication, Bilaspur Zone, In Front Of Central Jail, Bilaspur, District Bilaspur Chhattisgarh

**----Respondents**

|                |   |                                      |
|----------------|---|--------------------------------------|
| For Petitioner | : | Mr. Abhishek Pandey, Advocate        |
| For State      | : | Mr. S. P. Kale, Dy. Advocate General |

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

**15/11/2018**

1. The challenge in the present writ petition is to the order of transfer dated 22.09.2018 whereby the petitioner has been transferred from Raigarh to Raipur.

2. The solitary ground of challenge is that the said order of transfer is in violation to Section 22 of the Chhattisgarh Police Act, 2007. The sub-section 2 of Section 22 reads as under:

**“22. Police Establishment Board.-**

**(1) xxxxxx**

**(2) The Board shall perform the following functions and duties-**

**(a) Transfer of subordinate ranks up to the level of Inspector from one Zone or Range or District to another;**

**(b) Receive and examine representation from police officers aggrieved by any order of superior officers, other than the orders passed under the rule made under the Article 309 of the Constitution of India and-**

**I. Decide such representation if it is received from a police officer of the subordinate rank;**

**II. Make recommendation to the State Government in other cases.”**

3. From the aforesaid reading of the statutory provisions, it clearly reflects that for the transfer of all officers up to the level of Inspector from one zone or range or district to another, it is only the Police Establishment Board, which has been constituted by the State which is empowered to issue the order of transfer.
4. The impugned order Annexure P/1 in the present writ petition does not disclose any such exercise having being done by the police establishment board.
5. Given the said facts, let the petitioner make a detailed representation to respondent No.2 in this regard within a period of 10 days from the date of receipt of certified copy of this order, who in turn shall take a final decision on the representation of the petitioner within a period of 2 months from the date of receipt of

representation. Meanwhile, status quo as it exist today so far as the petitioner is concerned be maintained.

6. With the aforesaid observation, the writ petition stands disposed off.

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

Khatai