

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7534 of 2018

Ashok Kumar Nishad S/o Late Tulesh Ram Nishad, aged about 50 years, R/o M.G. Ward, Near Naya Jila Panchayat, District Uttar Bastar, Kanker (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Forest, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.).
2. The Collector, District U.B. Kanker, C.G.

---Respondents

For petitioner	:	Shri Parag Kotecha, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2018

1. Present is the second round of litigation.
2. The challenge in the present Writ Petition is to the order of transfer dated 14/08/2017 whereby the petitioner has been transferred from the Tahsil Office, Kanker to the Tahsil Office, Pakhanjore, District Kanker.
3. On a query being put to the counsel for the petitioner, he makes a statement that though the order was passed on 14/08/2017, but till date the petitioner has not joined his duties.
4. The reason assigned for not complying with the order of transfer is said to be on medical grounds.

5. Though the order was passed on 14/08/2017, the petitioner challenged the same in the first round of litigation in the year 2018 vide WPS No. 907/2018.

6. This Court while deciding the said Writ Petition made the following observation:-

“2. The petitioner has approached this Court assailing his transfer order after fairly long time. Only for this reason, I am not inclined to entertain the petition. However, as the petitioner's representation is pending, it should be decided, if not, already decide.

3. Let the petitioner be communicated regarding his representation within a period of 4 weeks. Accordingly, the petition is disposed off.”

7. The plain reading of the aforesaid observation itself would reflect that, the High Court was not inclined to grant any relief to the petitioner and the only remedy left for the petitioner was for getting his representation decided which was pending before the State Authorities.

8. Even after the disposal of the said Writ Petition, the petitioner did not care to join his duties at the transferred place and now subsequently on 08/08/2018, the representation of the petitioner has also been rejected by the authorities leading to the filing of the present Writ Petition.

9. This Court is of the opinion that, once when this High Court had already showed disinclination in entertaining the Writ Petition at the first instance, the said position would not get improved only on account of the representation

being subsequently decided. The default on part of the petitioner in approaching the High Court at the first instance still remains.

10. Moreover, this Court does not find any good reason for entertaining the Writ Petitioner for the reason that, though the original order of transfer was passed about 15 months back, till date the petitioner has not cared to comply with the said order.

11. Thus, this Court does not find any strong case made out by the counsel for the petitioner for entertaining the Writ Petition.

12. The Writ Petition thus fails and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit