

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 811 of 2018**

- Khushboo Tiwari W/o Shri Ashok Kumar Mishra Aged About 30 Years
R/o Adarsh Colony, Pendra Road, Tahsil And Police Station- Pendra
Road, Disrtict- Bilaspur, Chhattisgarh.....(Petitioner)

----Appellant**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Police Station And Post Rakhi, Atal Nagar, Raipur, Disrtict- Raipur, Chhattisgarh
2. The Collector, Office Of Collectorate, Bilaspur, Disrtict- Bilaspur, Chhattisgarh
3. The Sub Divisional Officer (S.D.O.) Office Of S.D.O. Department Of Revenue, Pendra Road, District- Bilaspur, Chhattisgarh.
4. The Tahsildar Tahsil Office- Pendra Road, District- Bilaspur, Chhattisgarh

---- Respondent

For Appellant	Mr. Abhishek Pandey and Mr. Santosh Kumar Pandey, Advocates
For Respondent /State	Mrs. Astha Shukla, Panel Lawyer

DB.: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mrs. Justice Vimla Singh Kapoor****Order On Board By****Prashant Kumar Mishra, J.****14/12/2018**

1. Heard.
2. The appellant has been shifted from Patwari Halka No.4, Kudri, Tehsil Pendra Road, District Bilaspur to Marwahi vide order dated 19.7.2018.

3. Challenge to the said order has been rejected by learned Single Judge on the ground that the order is, in fact, work distribution, therefore, it needs no interference.
4. Referring to the State Government's Circular dated 12.9.2014, which amends para 5, Sl. No.1, para 16 of the Revenue Book Circular to provide that for transferring any Patwari from one Tehsil to another Tehsil, the jurisdiction lies with the Collector, it is submitted that the impugned order is without jurisdiction.
5. It is argued by learned counsel for the appellant that the distance between the present place of posting and Marwahi is about 50 Km, therefore, the order is, in fact, a transfer order, as defined in the Fundamental Rules. It is also submitted that under the garb of work distribution or posting, the SDO has passed the order, which, in fact, amounts to transfer.
6. Considering the State Government's Circular dated 12.9.2014, we are inclined to dispose of the writ appeal with direction that in the event, the appellant moves a representation before the Collector, Bilaspur within a period of 3 weeks from today, the said authority shall consider and decide the representation in accordance with law within next 6 weeks.
7. Till the representation is decided by the Collector by a speaking order, there shall be stay of the impugned order.
8. The writ appeal is disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Vimla Singh Kapoor)

Judge