

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7719 of 2018

Setvansh Singh S/o Late Shri Rai Singh, Aged About 41 Years R/o. Quarter No. 13/E, C.A.F. Colony, 13th Battalion, Bango, Police Station Bango, Tahsil And District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/Police, Secretariat, Mahanadi Bhawan, P.S. And Post Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Director General Of Police (DGP), Police Headquarter (PHQ), Near Mahanadi Bhawan, P.S. And Post Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. Additional Director General Of Police (A-DGP), Telecommunication Police Headquarter (PHQ), Near Mahanadi Bhawan, P.S. And Post Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh
4. Commandant, 13th Battalion, Chhattisgarh Armed Force (CAF), Bango, District Korba Chhattisgarh

---Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2018

1. The grievance of the petitioner in the present writ petition is that the petitioner vide order dated 22.09.2018 has been transferred from Korba to Korla.
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 sub-ordinate 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 the 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 three months from the date of receipts of representation. Meanwhile, there shall be a stay of the effect & operation of the order, so far as the petitioner is concerned.
6. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge