

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 278 of 2019

Sharwan Kumar Salam S/o Milan Ram Salam, Aged About 48 Years,
R/o Forester (Rang Assistant For Forest Rang Mari), Mari Region,
Keshkal District Kondagaon, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Forest, Atal Nagar, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Divisional Forest Officer, Keshkal, District Kondagaon, Chhattisgarh.
3. Ishwar Singh Kawachi, Forester (Deputy Ranger) Mari, Keshkal Area, District Kondagaon, Chhattisgarh.

---Respondents

For petitioner	:	Shri G.L.Uikey, Advocate.
For State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2019.

1. The challenge in the instant Writ Petition is to the order Annexure-P/1 dated 22/12/2018 whereby the petitioner has been asked to comply with the order of the respondents dated 14/08/2017.
2. The facts of the case in brief is that, the petitioner while working as Range Assistant at Mari Region, Keshkal Forest Division when an order dated 14/08/2017 was passed by the State Government whereby the respondent No.3 in addition was ordered to be posted at the Forest Range Mari.

3. According to the counsel for the petitioner, there was no order so far as the place of posting of the petitioner is concerned. He further submits that, since the post was not vacant, the respondent No.3 could not have been posted in place of the petitioner.
4. The petitioner on an earlier occasion had filed WPS No. 6416/2017 which got disposed off on 04/12/2017. This Court in the said Writ Petition had granted an interim protection to the petitioner and directed the respondents to decide the representation which the petitioner shall make.
5. The petitioner thereafter had timely made representation on 07/12/2017 itself. However, no decision on the said representation has been taken till date and the petitioner was continuing at the Forest Range Mari when the impugned order Annexure-P/1 has been issued.
6. Perusal of Annexure-P/1 does not reflect that, the authorities have decided the representation which they were supposed to decide and the impugned order now has been passed.
7. Vide the impugned order, the respondents have now directed the petitioner to handover the charge of the Forest Range Mari to the respondent No.3 failing which the disciplinary action would be initiated against the petitioner.
8. Considering the fact that, there is already an order passed by this Court in WPS No. 6416/2017 and the authorities were supposed to take a decision on the representation which as per the petitioner they have till date not done, this Court is left with no other option but to direct the respondents to decide

the representation which the petitioner has made on 07/12/2017 as per the direction of this Court in WPS No. 6416/2017 disposed off on 04/12/2017.

9. Needless to mention that, since the petitioner has been working at the same place for quite sometime, the respondents are directed not to take any co-ercive steps against the petitioner till the representation which the petitioner has made on 07/12/2017 is finally decided.

10. The respondents after the disposal of the representation would be at liberty to pass an appropriate orders.

11. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit