

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.620 OF 2019**

Dile Ram Dahire S/o Maya Ram Dahire Aged About 51 Years Posted As Deputy Collector/ Sub Divisional Officer (Revenue) Masturi, Bilaspur, District Bilaspur Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Deputy Secretary State Of Chhattisgarh, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Yogesh Kumar Chandra, Advocate.
For Respondent-State	:	Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30.01.2019

1. The challenge in the present writ petition is to the order Annexure P-1, dated 21/01/2019, whereby the petitioner has been transferred from Bilaspur to District Koriya.
2. The contention of the petitioner is that the petitioner vide order dated 07/02/2018 was posted as Sub- Divisional Officer (Revenue) Masturi, and the District Election Officer vide its order dated 24/12/2018 had assigned the election duties to the petitioner in the capacity of the Sub-Divisional Officer (Revenue) as an Election Registration Officer.
3. The duty assigned was to supervise the preparation / finalisation of the electoral rolls. The petitioner further submits that the State Election Commission has himself vide order dated 09/01/2019 instructed all the Collectors and officers not to shift the place of posting of any of the officers who have been assigned election duties without the leave of the Election Commission.

4. The impugned order now seems to have been passed in total contravention to the instructions issued by the Chief Election Officer of the State dated 09/01/2019.
5. Given the said fact, this Court is of the opinion that let the petitioner make the detailed representation in this regard highlighting these facts within a period of 10 days from today and the respondent No.1, in turn, shall keeping in view the instructions from the State Election Officer on due verification of the facts whether the petitioner was in fact assigned election work or not, take an appropriate decision within a further period of 60 days.
6. So far as the interim protection is concerned, it is ordered that since the impugned order seems to be in total contravention to the order of the Chief Election Officer State of Chhattisgarh dated 09/01/2019, prima-facie a strong case for grant of stay has been made out. Accordingly it is held that till the representation made by the petitioner is not finally decided by the respondent No. 1, there shall be a stay of the effect and operation of the impugned order dated 21.01.2019 (Annexure P-1) so far as the petitioner is concerned.
7. Certified copy today itself.

Sd/-
(P. Sam Koshy)
Judge