

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 766 OF 2019**

Sheikh Ashraf Taj S/o late Sheikh Akber Taj, aged about 59 years, occupation, Service-Deputy Forest Ranger, Khara Range, Division Kawardha, District Kabirdham (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh through the Secretary, Department of Forest, Mahanadi Bhawan, Mantralaya, New Raipur, Tehsil and District Raipur (CG).
2. The Chief Conservator of Forest, Durg, office of Chief Conservator of Forest, Durg Circle, District Durg (CG).
3. The Divisional Forest Officer, Kawardha, District Kabirdham (CG).

... Respondent(s)

For Petitioner	:	Shri Sourabh Sharma, Advocate.
For Respondents-State	:	Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.02.2019

1. The order under challenge is to the order Annexure P/1 dated 14.01.2019, whereby the petitioner has been posted from the post of Deputy Forest Ranger, Khara Range, Kawardha to Gurur Range of Balod Forest division.
2. Counsel for the petitioner submits that the authorities, who has issued Annexure P/1 himself on an earlier occasion i.e. Annexure P/2 dated 03.12.2018 had issued an order that such posting should not be made as the said power is vested only with the State Government. Contrary to his own decision, the same authority now has passed the order shifting the headquarters of the petitioner and posting him far away without there being any Government instructions or Government orders in this regard.

3. Given the said nature of the facts, let the petitioner at this juncture make a detailed representation to the respondent No.2 within a period of 10 days from the date of receipt of copy of this order highlighting the aspect that he has raised in the present writ petition along with the copy of this order and the respondent No.2 in turn shall take a decision on the representation of the petitioner at the earliest preferably within a period of 3 months from the date of receipt of the representation.
4. Considering the fact that the impugned order is prima facie contrary to the order of the same authority dated 03.12.2018, it is ordered that the respondent No.2 shall ensure that the effect and operation of the impugned order dated 14.01.2019 is not given effect to, till the representation of the petitioner is finally decided.
5. Needless to mention that even if there is an ex-parte relieving order passed in favour of the petitioner, the same shall also not be given effect to by the respondents till the representation is decided by the respondents No.1 & 2.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge