

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1319 of 2019

Ali Baksh S/o Late Shri M. Baksh, Aged About 51 Years, Presently Working As In Charge Executive Engineer, Regional Office, Department Of Urban Administration And Development, Bilaspur, District Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through The Under Secretary, Department Of Urban Administration And Development, Mahanadi Bhawn, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
3. State Of Chhattisgarh, Through Joint Director, Department Of Urban Adminitration And Development, Regional Office, Bilaspur, District Bilaspur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Sudeep Agrawal, Advocate.
For State	:	Shri Saleem Kazi, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/02/2019

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 18/02/2019 whereby the petitioner has been transferred showing him to be an employee of the Regional Office of the respondent No.3 at Bilaspur and has been transferred to Jagdalpur.
2. The contention of the counsel for the petitioner is that, on 18/02/2019 when Annexure-P/1 was issued, the petitioner infact was not an employee on the rolls of the respondent No.3 at Bilaspur. The petitioner substantively

was working as an Assistant Engineer at the Municipal Corporation, Korba. Though there was an order of transfer on 28/01/2019 transferring the petitioner from Korba to Bilaspur but he had not been relieved till 19/02/2019 when he was for the first time relieved and has joined his services at Bilaspur on the same day i.e. on 19/02/2019. That after he gave his joining, the petitioner has now been served with a fresh order of transfer transferring him from Bilaspur to Jagdalpur.

3. The impugned order dated 18/02/2019 shows the petitioner to be substantively an employee of the Regional Office of Bilaspur whereas he has joined at Bilaspur only on 19/02/2019 and till 19/02/2019 the petitioner was substantively an employee of Municipal Corporation, Korba.

4. This fact itself shows that while transferring the petitioner from Bilaspur to Jagdalpur, there does not seem to be any administrative exigency or application of mind. Otherwise, the petitioner would not have been shown to be an employee of the Regional Office at Bilaspur since he had not assumed the office at Bilaspur on 18/02/2019 when Annexure-P/1 was issued.

5. Given the facts and circumstances of the case, let the petitioner make a fresh representation to the respondent No.1 within a period of 10 days from today raising all these facts, apprising the respondent No.1 in respect of the same. That the respondent No.1 in turn shall reconsider the case of the petitioner and pass a fresh order within an outer limit of 60 days thereafter.

6. Till the representation of the petitioner if the same is filed within 10 days is decided, the petitioner should not be relieved from his present place of posting i.e. from Regional Office at Bilaspur until further orders.

7. It is made clear that, till the representation of the petitioner is decided, ex-parte relieving order if any issued to the petitioner would also not been given effect to.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit