

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO.1507 OF 2019**

Paras Ram Dewangan S/o Shri Mulchand Dewangan Aged About 51 Years Presently Posted As Patwari At PH No. 74 Dumartarai, Tahsil And District- Raipur, Chhattisgarh.

**...Petitioner(s)**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur, Chhattisgarh.
2. Collector (Land Revenue) Raipur, District- Raipur, Chhattisgarh.
3. Sub Divisional Officer (Revenue) Raipur, District- Raipur, Chhattisgarh.

**... Respondent(s)**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For Petitioner       | : | Shri Ajay Shrivastava, Advocate. |
| For Respondent-State | : | Shri Saleem Kazi, Dy. A.G.       |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**05.03.2019**

1. The challenge in this petition is to the order dated 14.02.2019 whereby the place of posting of the petitioner has been shifted from P.H. No.73 to P.H. No.21 from Tahsil Raipur to Tahsil Tilda.
2. The contention of the petitioner is that, the petitioner has been subjected to frequent transfer, inasmuch as, in the last about less than two years time, this is fourth transfer order of the petitioner. According to the petitioner, initially he was transferred from Raipur to Tekari vide order dated 13.09.2017, then again in less than three months time the petitioner was shifted from Tekari to Bhatagaon. After joining at Bhataon again he was ordered to be shifted from Bhatagaon to Dumartarai vide order dated 11.01.2019. The petitioner had challenged the said order dated 11.01.2019 vide WPS No.480 of 2019 and this court vide order dated 23.01.2019 had not

granted any particular relief to the petitioner, except for making a suitable representation to the authorities concerned. According to the petitioner, he had not made any representation, yet the respondents had again passed a fresh order i.e. impugned order dated 14.02.2019 shifting the petitioner from P.H. No.73 to P.H. No.21.

3. According to the petitioner, this amounts to frequent transfer order of the petitioner particularly during the ban period and the transfer order also being made without routed through the co-ordination as is required under the transfer policy.
4. The State counsel, on the contrary, submits that the impugned order is not a transfer order. It is only a change of place of posting made at the administrative side and as such there is no malafide or illegality in the order passed. According to State counsel, a plain reading of the impugned order would itself show that it is only an administrative decision of the respondents in giving change of place of posting of few Patwaris working in the Raipur district.
5. Having heard the counsel appearing on either side and on perusal of records, this court is not inclined to entertain this writ petition only on the ground that distance between the two place is not much. What further is reflected that, the impugned order is not an order of transfer, but it is only a change of place of posting. Further, what also cannot be lost sight of is that the petitioner from the earlier order of transfer transferring from Bhatagaon to Dumartarai was also not satisfied of the transfer order and he had challenged the same by way of a writ petition vide WPS No.480 of 2019. The said writ

petition was disposed of without any specific direction except for making a representation to the authorities.

6. The respondents had now passed an order shifting the place of posting of the petitioner from Dumartarai to Village Kota under Tahsil Tilda. This also has now been challenged by the petitioner.
7. From the conduct of the petitioner itself, it reveals that the petitioner is in habit of challenging the transfer orders which has been issued against him. The petitioner substantively is a Patwari and the posting of the Patwaris are always held as per the orders passed by the Sub Divisional Officer. The present order also is one which has been passed by the Sub Divisional Officer which is only an order of change of place of posting of the petitioner from one Patwari Halka to another Patwari Halka within the same district and the distance also does not seem to be far away distance which could give rise to any inconvenience to the petitioner.
8. The writ petition accordingly being devoid of merit deserves to be and is rejected. However, refusing to entertain this petition by this court would not preclude the petitioner from approaching the authorities on the administrative side by making a suitable representation.

Sd/-  
(P. Sam Koshy)  
**Judge**