

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1540 of 2019

Sanjay Kumar Sinha (Wrongly Written As Sanjay Sinha In The Impugned Order) S/o J.P. Sinha Aged About 44 Years, Posted As Assistatnt Grade-II, Tahsil Office Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Deputy Secretary State Of Chhattisgarh, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Collector Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Hamida Siddiqui, Advocate
For State	:	Mr. Anshuman Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/03/2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 20/02/2019 whereby petitioner was working on the post of AG-II has been transferred from District -Jashpur to District - Sukma.
2. The challenge in on the ground that the petitioner is an employee who has been substantially appointed by the Collector and as such his services could not have been transferred outside the District. He further submits that the seniority of the petitioner would also be adversely affected and promotional benefits would also get hampered. Further contention of the

petitioner is that the transfer policy of the State Government also envisage Clause that an employee who is working in a scheduled Area should not be transferred to another scheduled area. In the instant case the petitioner is being transferred from one scheduled area to another more hardcore scheduled area.

3. State counsel opposing the petition submits that it is a case where the State Government has all the powers for transferring the Patwaris from one District to Another, in case, if special circumstances prevails.
4. Given the aforesaid facts and circumstances of the case, let petitioner make a detailed representation to the respondent No. 1 in this regard within a period of 15 days from today who in turn shall consider all the aforesaid grounds raised by the petitioner and those he would be raising in the representation and till the representation is decided, the petitioner shall not be relieved from the present place of posting, the impugned order shall remain stayed so far as the petitioner is concerned.

Sd/-
(P. Sam Koshy)
Judge

Rohit