

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1529 of 2019

Sunil Kumar Xalxo S/o Patras Xalxo Aged About 45 Years Posted As Patwari At P.H. No.3 Sarudih District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Mangement Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raiupur, 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. P. Acharya, 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. The petitioner in the said order has been transferred from District Jashpur to District Bijapur. The petitioner is substantively a Patwari.
2. The contention of the petitioner is apart from other ground is that the petitioner being a Patwari was appointed under Section 104 of the Chhattisgarh Land Revenue Code and the appointing authority was Collector, therefore, he could not have been transferred by an order of the

State Government and he could have been transferred only by an order of the Collector. The second ground raised by the petitioner is that the petitioner is being transferred inter district his seniority is likely to get affected and so would his promotional avenues would get affected. Last ground that the petitioner has raised is that the son of the petitioner is taking the 12th Board Examination and at this juncture if the petitioner is transferred it may have an adverse impact on the education of his son.

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