

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1584 OF 2019**

N.K. Pandey S/o Shri Ram Dulare Pandey Aged About 54 Years Working As Sub Divisional Officer, Water Resource Sub Division No. 07, Baloda Bazar Government Of Chhattisgarh, District - Baloda Bazar - Bhatapara Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Department of Water Resources Chhattisgarh Raipur, Mantralaya Mahanadi Bhawan, New Raipur, District - Raipur Chhattisgarh.
2. Chief Engineer Department of Water Resources Water Resource Sub Division No.7 Baloda Bazar, District - Baloda Bazar – Bhatapara (CG).
3. Superintending Engineer Department of Water Resources, Water Resource Sub Division No. 7 Baloda Bazar, District - Baloda Bazar – Bhatapara (CG)
4. H R Yadav Assistant Engineer (R), Office Of Superintending Engineer Water Management Division No.2, Baloda Bazar, District - Baloda Bazar.

... Respondent(s)

For Petitioner	:	Shri Abhishek Sinha and Shri Amit Buxy, Advocates.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.
For Respondent No.4	:	Shri Vivek Verma, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30.04.2019**

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 20.02.2019 whereby the petitioner has been transferred from Sub Division No.7 Baloda Bazar to the Division No.2 Baloda Bazar itself. The petitioner has been replaced by the respondent No.4 who was posted at Division No.2 Baloda Bazar and he has been transferred to the Sub Division No.7.
2. The primary contention of the petitioner assailing the transfer order is that the said order has been passed with a malafide intention as is reflected from the correspondence (Annexure P/4) dated 06.01.2019 which has been made by one MLA by writing to the Minister for the Water Resources Department requesting for interchange transfer of the petitioner with the respondent No.4.

3. This court at the first instance on 11.03.2019 entertaining the writ petition had granted interim protection, by virtue of which, the petitioner till now continues at Sub Division No.7, Baloda Bazar.
4. During the course of hearing it has been informed by the counsel for the respondent No.4 that the two offices are situated very close by and it is hardly 1-2 KM from Sub Division No.7 to Division No.2 Baloda Bazar where the interchange transfer between the petitioner and the respondent No.4 has been made. What is also reflected from the pleadings brought before the court is that so far as the transfer from one place to another place within the same station, it need not go to the co-ordination committee of the State Govt. It could simply be made on the approval of the concerned Minister for the department. It has been further brought to the notice of the court that the impugned order is an order which has been issued after due approval from the concerned Minister for the department.
5. Given the aforesaid entire facts and circumstances of the case, this court is of the opinion that the whole issue can be resolved if the matter is sent back to the respondent No.1 to take a fresh decision taking into consideration the entire facts and circumstance of the case and pass a fresh order within a period of 15 days. It is also made clear that the respondent No.1 would have the liberty of even transferring the two officers to a place out of the present place of posting. Let a decision be taken accordingly.
6. Meanwhile, let status quo as it exist today be maintained so far as posting of the petitioner and the respondent No.4 is concerned till a fresh order is passed by the respondent No.1.
7. The Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge