

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 1674 of 2019**

Amit Beriya S/o Shri Mohan Singh Beriya, Aged About 48 Years,
Presently Posted As Inspector, Police Station Newai, R/o Block No.
3-A, Avenue - B, Sectore - 2, Bhilai, And District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Home, Atal Nagar, Raipur, Chhattisgarh
2. State Police Establishment Board, Chhattisgarh State, Raipur Chhattisgarh
3. The Directorate Of Police, Police Head Quarter, Atal Nagar, Raipur Chhattisgarh
4. Inspector General Of Police, Durg Range, Durg, Chhattisgarh
5. The Police Commissioner, Durg, District Durg, Chhattisgarh

---- Respondents

For petitioner	:	Mr. B. P. Sharma and Shri Hari Agrawal, Advocates.
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/03/2019**

1. The grievance of the petitioner in the present dispute is the order of transfer dated 19.02.2019 whereby the petitioner has been transferred from District Durg to District Bijapur.
2. The contention of the counsel for the petitioner is that all along right from 2004 onwards the petitioner continuously till 01.10.2017 has been working in hardcore Naxalite schedule areas in the State of

Chhattisgarh. In between, the petitioner has also been given gallantry award for his outstanding discharge of duties. According to the petitioner, now he is being transferred within a short span of time from the present place of posting to again a hardcore Naxalite area. He submits that after having spent 13-14 years in core Naxalite areas, the petitioner has even not been permitted to complete the normal tenure of 2 years at the present place of posting and therefore, the impugned order does not seem to be passed in the administrative exigency. Counsel for the petitioner drew the attention of this Court to the order of the Superintendent of Police, Special Information Branch, Police Head Quarter, Raipur dated 15.02.2012 which shows that the petitioner is otherwise considered to be a person in the hit list of the Naxalites in view of the large scale operations that the petitioner had been involved with and the Naxalites have also fixed a reward of rupees one lakh on the head of the petitioner.

3. Given the facts and circumstances of the case, let the petitioner make a fresh representation highlighting all these aspects supported with all relevant records to respondent no.2 who in turn on due consideration of the entire facts and circumstances of the case, shall reconsider the case of the petitioner so far as his transfer is concerned and take an appropriate decision at the earliest. Subject to the petitioner preferring a representation within a period of 10 days, respondent no.2 shall take a decision as expeditiously as possible. Respondent no.2, if required, may also give an opportunity of personal hearing to the petitioner.

4. Till the decision is taken by respondent no.2, the effect and operation of the impugned order so far as the petitioner is concerned, shall remain stayed.
5. With the aforesaid observation the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE

Khatai