

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1716 of 2019**

Ajay Pandey S/o Late Shri Chinta Haran Pandey Aged About 49 Years
 Posted As Excise Sub Inspector At The Office Of Assistant Commissioner,
 Excise, Durg, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Commercial Tax (Excise) Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Under Secretary, Commercial Tax (Excise) Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. Assistant Commissioner, Excise Durg, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Raghvendra Pradhan, Advocate
For State	:	Mr. Saleem Kazi, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2019**

1. The challenge in the present writ petition is to the order of transfer dated 02/03/2019 whereby the petitioner has been transferred from Kanker to Bijapur. The challenge to the transfer order is on the ground that the same has been made without any administrative exigency and further the same also is without total non application of mind.
2. The contention of the petitioner is that the petitioner was not working at Kanker as is reflected from the impugned order of transfer. It was further contention of the petitioner that the petitioner was also not

earlier posted at Kanker rather earlier he was posted at Raipur. It was further contended by the petitioner that he was initially posted at Raipur, when he stood transferred by transfer order Annexure (P-5) dated 30/07/2018 transferring the petitioner from Raipur to Durg. The petitioner later got relieved on 21/08/2018 and the petitioner joined at Durg on 27/08/2018 and barely in just about six months time, the petitioner has been again now transferred to Bijapur.

3. State counsel was not able to give any plausible explanation in respect of the error in showing the present place of posting of the petitioner.
4. Undisputedly, the petitioner has been working at the present place of posting only for a period of just about six months.
5. Given the aforesaid facts and circumstances of the case, let the petitioner make a fresh representation to the respondent No. 1 highlighting the facts and circumstances within a period of 10 days from today and on receipt of the said representation, respondent No. 1 shall reconsider the case of the petitioner and pass a fresh order keeping in view the administrative exigency and the transfer policy in mind. Till the representation is decided by the respondent No. 1, the effect and operation of the impugned order, so far as the petitioner is concerned shall remain stayed.
6. The writ petition stands accordingly disposed off.

Sd/-
(P. Sam Koshy)
Judge