

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 1695 of 2019**

Bhupendra Kumar Wadekar S/o Late Dhanuram Wadekar, Aged About 36 Years, Occupation - Chief Municipal Officer, Dondilohara, Nagar Panchayat, Dondilohara, District – Balod, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Nagriya Prasashan Mantralaya, Mahanadi Bhawan, Naya Raipur, District – Raipur, Chhattisgarh
2. Under Secretary, Department Of Nagriya Prasashan Mantralaya, Mahanadi Bhawan, Naya Raipur, District – Raipur, Chhattisgarh
3. Ram Kumar Koylare, Assistant Revenue Inspector, Nagar Panchayat, Dondilohara, District - Balod Chhattisgarh

---- **Respondents**

For petitioner	:	Mr. Subham Tripathi, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/03/2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 02.03.2019 whereby the petitioner who was initially transferred vide order dated 18.02.2019 from Municipal Corporation, Rajnandgaon to Nagar Panchayat, Dondilohara has been brought back to Rajnandgaon.
2. Contention of the counsel for the petitioner is that in compliance of the order dated 18.02.2019, the petitioner had immediately assumed his post at Dondilohara on 22.02.2019 and now the impugned order

Annexure P-1 dated 02.03.2019 has been issued whereby the petitioner's earlier transfer order dated 18.02.2019 has been cancelled and he has been brought back to his original place of posting i.e. Municipal Corporation, Rajnandgaon.

3. The argument of the counsel for the petitioner is that since the petitioner has already acted upon the order of transfer dated 18.02.2019, the respondents could not have modified the earlier order immediately after his joining at Dondilohar and therefore, the impugned order Annexure P-1 is bad to the aforesaid extent.
4. Counsel for the petitioner further submits that the impugned order is also bad in law for the reason that on the cancellation of the order dated 18.02.2019 so far as the petitioner is concerned, the charge of Nagar Panchayat, Dondilohara is being given to a person who is otherwise not eligible to hold the post of Chief Municipal Officer in as much as the charge of Chief Municipal Officer is being ordered to be given to respondent no.3 who substantively is an Assistant Revenue Inspector.
5. This Court, at the outset, is not inclined to entertain the writ petition only on the ground that the distance between the two places is too short and the petitioner who is otherwise a Chief Municipal Officer is being brought back in the same capacity i.e. Chief Municipal Officer to his original place of posting.
6. For the aforesaid reasons, the writ petition stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**