

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1921 of 2019**

Churaman Kumar Sahu S/o Shri Kartik Ram Sahu Aged About 45 Years
 Presently Working As Constable, R/o -18 Ekad, 36 Block, Q.No. 01, Police
 Residential Premises Rajnandgaon, District Rajnandgaon Chhattisgarh.,
 District : Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department,
 Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh., District : Raipur,
 Chhattisgarh
2. Directorate General Of Police Police Head Quarter, Sector -19, Atal Nagar,
 Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Deputy Inspector General Of Police Police Head Quarter, Sector 19, Atal
 Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Superintendent Of Police Rajnandgaon, District Rajnandgaon
 Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/03/2019**

1. The challenge in the present writ petition is to the order of transfer dated 26/02/2019 and also transfer order dated 28/02/2019, whereby the petitioner has been transferred and relieved from District Rajnandgaon to District Durg.
2. Primarily the petitioner has challenged the order of transfer on the ground that the transfer order has been made at the own cost of the petitioner. According to the petitioner he has never applied for his

transfer from Rajnandgaon to Durg. Therefore, he cannot be transferred as the transfer order has to be made on the administrative exigency, for which the petitioner would be entitled for all the allowances of transfer being made as applicable under the service rules. Second ground of the petitioner is that the petitioner had recently participated in the promotion process from the post of Constable to the post of Head Constable and that the promotion was considered for a Constable posted within the District Rajnandgaon and if the order of transfer is acted upon, the name of the petitioner may be deleted from the roll of District Rajnandgaon and in the process the petitioner shall be deprived of his claim for promotion to the post of Head Constable.

3. Given the aforesaid two grounds that the petitioner has raised, let petitioner make a detailed representation to the State Police Establishment Board within a period of 10 days from today highlighting these aspects. State Police Establishment Board is further directed to consider the case of the petitioner so far as the impugned order is concerned particularly taking into consideration the grounds raised in the representation and pass an order within a period of 45 days from the date of receipt of representation. Till then, the impugned order so far the transfer of the petitioner and the order of relieving the petitioner is concerned shall remain stayed.
4. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
Judge