

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1769 of 2019

Rakesh Sharma S/o Late Shri M. L. Sharma Aged About 61 Years
Presently Working As Chief Municipal Officer (CMO) In Nagar
Panchayat Bodari, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh.
2. State Of Chhattisgarh Through Under Secretary, Department Of Urban Administration And Development, Indrawati Bhawan, Atal Nagar, District- Raipur, Chhattisgarh.
3. Director Department Of Urban Administration And Development, Indrawati Bhawan, Atal Nagar, District : Raipur, Chhattisgarh
4. Joint Director Department Of Urban Administration And Development, District- Bilaspur, Chhattisgarh.
5. D. L. Burman Chief Municipal Officer, Nagar Panchayat Bhatgaon, District Balodabazar-Bhathapara, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sushil Dubey, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

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 Annexure P/1 dated 02.03.2019, whereby the petitioner has been transferred from Nagar Panchayat, Bodari to Nagar Nigam, Raipur.
2. The contention of the petitioner challenging the impugned order is that the petitioner in the preceding six months has been transferred

or the place of posting of the petitioner has been changed for about 4 times within a short span of less than 6 months time.

3. The details of the periodical change of posting of the petitioner is provided in the chart given below:

S.No.	Date	Place of posting
1.	29.08.2018	From Nagar Panchayat, Bodari to Nagar Panchayat, Kota
2.	18.02.2019	From Nagar Panchayat, Kota to Municipal Council, Surajpur
3.	22.02.2019	From Municipal Council, Surajpur to Nagar Panchayat, Bodari
4.	02.03.2019	From Nagar Panchayat, Bodari to Nagar Nigam, Raipur

4. The contention of the petitioner is that all the aforesaid three orders i.e. the orders dated 29.08.2018, 18.02.2019 & 22.02.2019 have been acted upon by the petitioner and given his joining, but the respondents authorities kept on changing the place of posting at regular intervals.
5. The impugned order again has been issued shifting the petitioner again from Nagar Panchayat, Bodari to Nagar Nigam, Raipur.
6. The contention of the petitioner further is that the petitioner has already crossed the 61 years of age and has got only about 1½ years of service left for his superannuation. He further submits that even otherwise, the petitioner has not completed his usual tenure of posting in any of the previous three place of postings, where he was ordered to work. Lastly, it was contended that the modification to an already executed order is otherwise also not permissible and is held

to be bad in law, as has been held by this Court in a series of writ petitions decided.

7. Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that the petitioner has been subjected to frequent transfers within a period of 6 months, prima facie a strong case for grant of interim relief has been made out.
8. Let the petitioner in this regard make a detailed representation to the respondent No.1 bringing out all the factual matrix of the case within a period of 7 days from the date of receipt of the copy of this order the respondent No.1 in turn shall consider the representation of the petitioner on its merits at the earliest preferably within a period of 30 days from the date of receipt of the representation, so made by the petitioner. Till the representation is finally decided by the respondents, the effect & operation of the impugned order shall remain stayed, so far as the petitioner is concerned.
9. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved