

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1820 of 2019**

Shashikant Kurre S/o Shri Siyaram Kurre Aged About 32 Years R/o
Abhanpur, Raipur, District Raipur Chhattisgarh., District : Raipur,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Ms. Astha Shukla, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/03/2019**

1. The challenge in the present writ petition is to the order Annexure (P-1) dated 06/03/2019. Vide the impugned order the petitioner has been transferred from Raipur to Surguja.
2. The transfer order is questioned on three grounds. Firstly, the petitioner has been subjected to frequent transfers in as much as this is the fourth transfer order in a span of less than two year's time. Second ground is that the petitioner was already posted in a scheduled area for a considerable period of time and again being sent to a scheduled area. Lastly, the petitioner has challenged the transfer order on the ground since the petitioner was already

assigned the election duties, he could not have been transferred particularly in the Right of forth coming Parliamentary Elections.

3. So far as the question of frequent transfer is concerned, the petitioner in the writ petition has provided certain dates which shows that the petitioner on an earlier occasion was transferred on 28/06/2017 and was posted at Raigarh which the petitioner joined on 18/07/2017. Having worked there for less than one month's time, the petitioner has was transferred from Raigarh to Korba, Pali (though this order was made on his own request). The petitioner joined at Korba, Pali on 13/11/2017. Having worked there just about 8-9 months, the petitioner again on administrative exigency transferred from Korba, Pali to Raipur vide order dated 31/07/2018 which too the petitioner again complied with and gave his joining at Raipur on 06/09/2018. Having worked there for less than six month's time now again the petitioner has been transferred from Raipur to Surguja.
4. The aforementioned dates of transfer would clearly reflect that the petitioner in fact has been subjected to frequent transfers for four times in a period of less than two years.
5. Given the said facts, let petitioner make a representation to the respondent No. 1 in respect of the impugned order in the said representation. The petitioner would also be at liberty to raise a ground of being transferred from one scheduled area to another Schedule area and also the coming into force of the Election code of conduct.
6. Let the representation be made by the petitioner within a period of 10 days from today and the respondent No. 1 in turn shall decide the representation on its merits taking into consideration the policy of the

State Government as also the instructions of the Election Commission of India issued from time to time so far as the provisions of the Representatives of the Peoples Act is concerned preferably within a period of 30 days from the date of receipt of copy of this order.

7. Till the decision is taken by the respondent No. 1, the effect and operation of the impugned order shall remain stayed.
8. Accordingly, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit