

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2005 of 2019

Subhash Chand Soni S/o Baldeo Prasad Soni, Aged About 55 Years,
Occupation Assistant Revenue Inspector (Under Deputation), Nagar
Panchayat Berla, District Bemetara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Nagriy Prashasan And
Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur
District Raipur, Chhattisgarh
2. Upper Secretary, Chhattisgarh State, Nagriy Prashasan And
Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur
District Raipur, Chhattisgarh
3. Director, Nagriya Prashasan And Development Directorate, Naya
Raipur, District Raipur, Chhattisgarh
4. Chief Managing Director, Chhattisgarh Infrastructure Development
Corporation Transport Department, District Raipur, Chhattisgarh
5. Lakhan Sahu, Assistant Revenue Inspector, Nagar Panchayat, Kotba,
District Jashpur, Chhattisgarh

---Respondents

For Petitioner	:	Smt. Indira Tripathi, Advocate
For State	:	Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/03/2019

The challenge in the present writ petition is to the order Annexure P-1
dated 02/03/2019 whereby the services of the petitioner stood transferred from
Nagar Panchayat, Berla, District Bemetara to Nagar Panchayat, Kotwa,
District Jashpur.

2. The primary contention of the petitioner in this case is that the petitioner substantively was an employee of Madhya Pradesh State Road Transport Corporation and subsequently his services were taken over by the CIDC. While working under CIDC, the petitioner on deputation, was sent to Nagar Panchayat, Berla where he was discharging the duties of Assistant Revenue Inspector. As per the policy of the State Govt., the case of the petitioner was duly considered for absorption and the process of absorption is still undergoing, meanwhile, the impugned order of transfer has been issued.

3. Counsel for the petitioner submits that at this juncture if the petitioner complies with the order of transfer, the entire proceeding of absorption would get dropped and lose its efficacy and it would be detrimental to the interest of the petitioner who has already worked with Nagar Panchayat Berla for a period of more than 10 years. In addition, the petitioner has also raised certain personal inconvenience which the petitioner faces at this juncture and seeks for a direction to reconsider the transfer of the petitioner.

4. State counsel, however, opposing the petition submits that it appears to be an order of transfer made on administrative exigency, therefore, at this juncture, there is no scope of interference by this Court.

5. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the document Annexure P-9 which deals with absorption of services of the petitioner with Nagar Panchayat, Berla, this Court is of the opinion that ends of justice would meet if the writ petition stands disposed of with a direction to the petitioner to file a representation to respondent no.1 within a period of 10 days from the date of receipt of copy of this order and respondent no.1 in turn shall decide the representation taking into consideration the aforesaid submission and the contents that would be there in the representation within a further period of 30 days thereafter. Till the

representation is finally decided, the effect and operation of the impugned order so far as the petitioner is concerned, shall remain stayed.

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

Khatai