

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1847 of 2019

Dinesh Kumar Gupta S/o Late Jaganath Prasad Gupta Aged About 48 Years Posted As Assistant Grade-II, Office of Assistant Commissioner, Tribal Welfare Department Balrampur, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary Department Of Tribal Welfare, Mahanadi Bhawan Naya Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Balrampur District- Balrampur-Ramanujganj, Chhattisgarh.
3. The Assistant Commissioner Tribal Welfare Department Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.
4. The Janpad Panchayat Kusmi, Through The Chief Executive Officer, Janpad Panchayat Kusmi, District- Balrampur-Ramanujganj, Chhattisgarh.
5. Shri Narendra Kerketta, Assistant Grade-II, Posted At Janpad Panchayat Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Kishan Lal Sahu, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L. .

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/03/2019

1. The grievance of the petitioner in the present writ petition is the order of transfer dated 01.03.2019 whereby the petitioner, who is an Assistant Grade-II is being transferred from the office of Assistant Commissioner, Tribal Welfare Development, Balrampur to the office of Janpad Panchayat, Kusmi.

2. The counsel for the petitioner referring to Annexure P/3 submits that at the place where the petitioner is being transferred i.e. Kusmi, no post of Assistant Grade-II or Assistant Grade-III lying vacant. The said post is already occupied and therefore the petitioner would find it difficult first in giving joining, secondly in discharging his duties and thirdly in getting regular salary.
3. The State counsel at this juncture submits that as per the transfer policy itself the petitioner has a right to make a representation to the authorities in the department.
4. On the submission so made by the State counsel, let the petitioner make a detailed representation to the respondent No.2 within a period of 10 days from the date of receipt of the copy of this order and the respondent No.2 in turn shall consider the contents of the representation and pass an appropriate order at the earliest preferably within a further period of 30 days from the date of receipt of representation, so made by the petitioner.
5. Till the representation of the petitioner is decided by the respondent No.2, it is ordered that the respondents shall not act upon the impugned order dated 01.03.2019, so far as the petitioner is concerned.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge