

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1830 OF 2019**

Smit Gupta S/o Late Binod Prasad, Aged About 32 Years Posted As Assistant Grade II , Office Of Assistant Commissioner, Tribal Welfare Department Balrampur, District Balrampur - Ramanujganj, Chhattisgarh.

...Petitioner(s)**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., District : Balrampur, Chhattisgarh
3. The Assistant Commissioner, Tribal Welfare Department Balrampur, District Balrampur Ramanujganj Chhattisgarh.
4. The Janpad Panchayat Wadrafnagar, Through The Chief Executive Officer, Janpad Panchayat Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
5. Shri Narendra Kerketta, Assistant Grade II, Posted At Janpad Panchayat Balrampur, District Balrampur Ramanujganj Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Akhilesh Kumar, Advocate.
For Respondent-State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.03.2019**

1. The grievance of the petitioner in this petitioner is the order of transfer dated 01.03.2019 whereby the petitioner who is an Assistant Grade II is being transferred from Balrampur to Wadrafnagar.
2. The counsel for the petitioner referring to Annexure P/3 submits that at the place where the petitioner is being transferred i.e. Wadrafnagar, 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 today 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 period of 30 days. 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.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge