

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1996 OF 2019**

Sanjay Dikshit S/o Om Prakash Dikshit, Aged About 58 Years Occupation Executive Engineer, Posted At Water Management Division No. 2, Baloda Bazar, R/o Irrigation Colony, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Enginneer - In - Cheif , Department Of Water Resources , Chhattisgarh, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Engineer, Mahanadi Project, Department Of Water Resources, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Superintending Engineer, Mahanadi Division, Department Of Water Resources, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Prasanna Kumar Sharma Executive Engineer, O/o Engineer - In - Chief, Department Of Water Resources Chhattisgarh Raipur Chhattisgarh., District : Raipur, Chhattisgarh
6. Collector - Cum - District Election Officer, Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
7. Chief Electoral Officer, Shastri Chowk, Old Mantralaya Building,raipur Chhattisgarh., District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Avinash Choubey and Shri Sunil Verma, Advocates.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.
For Respondents 6&7	:	Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.03.2019

1. The challenge in this petitioner is to the order of transfer dated 27.02.2019 whereby the petitioner has been transferred from Baloda Bazar to Bilaspur.
2. The sole ground that the petitioner has raised is that the order of transfer has been made during the election period and the petitioner since was appointed as Lesioning Officer, he could not have subjected to transfer till the election programme is complete.
3. The State counsel on the contrary opposing the petition submits that a bare perusal of Annexure P/2, dated 12.03.2019 would reveal that the

petitioner was aware of the order of transfer, inasmuch as, in the correspondence Annexure P/2 it has been specifically mentioned that the person who was replacing the petitioner namely Prasanna Kumar Sharma i.e. respondent No.5 had already given his joining at Baloda Bazar on 02.03.2019 i.e. well before the election programmes were notified by the Election Commission of India.

4. Moreover, on a query being put to the counsel for the petitioner, he fairly concedes that the petitioner has been placed at Baloda Bazar i.e. present place of posting for quite sometime. This also would be a ground for this court not to entertain the writ petition while challenging the order of transfer dated 27.02.2019.
5. The writ petition accordingly being devoid of merit deserves to be and is accordingly dismissed reserving the right of the petitioner to prefer a representation before the authorities concerned for ventilating his grievance.

Sd/-
(P. Sam Koshy)
Judge