

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 282 of 2019***(Arising out of order dated 01.08.2018 passed by the Learned Single Judge in W.P.(S) No. 7554 of 2017)*

- Ram Bilas Yalam S/o Shri B Yalam Aged About 38 Years Patwari Post, Thana And Tahsil Usoor, District Bijapur Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Revenue And Calamity Management, Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Collector Bijapur, District Bijapur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Somkant Verma, Advocate.
For Respondents-State	:	Ms. Richa Shukla, Deputy Government Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per Parth Prateem Sahu, J.****11.07.2019**

1. The Appellant herein who is one of the writ petitioner has challenged the impugned order dated 01.08.2018 passed in W.P.(S) No.7554 of 2019 by the Writ Court, whereby the writ petition filed by the writ petitioner before the Writ Court was dismissed.
2. Appellant is working as Patwari. Prior to 30.07.2016, he was posted in the Tahsil Office Bijapur District – Bijapur. Vide order dated 30.07.2016 he was transferred from Tahsil Office Bijapur to Tahsil Office Bhanpuri, District Bastar, but he was not relieved. Subsequently, the above order of transfer was cancelled by the Respondent authorities. Being aggrieved by the order of cancellation of transfer order dated 30.11.2016, the Appellant along with other employees filed writ petitions separately before High Court. Writ petition filed by the Appellant was registered as WP(S) No.7554 of 2017. The said writ petition came up for hearing along with

other writ petitions on same issue on 27.07.2018 and the same came to be dismissed by impugned order dated 01.08.2018.

3. Learned counsel for the Petitioner submits that as on today he is working as Patwari at Bijapur District for last 21 years. The order of transfer dated 30.07.2016 from Bijapur District to Baster District which is also a scheduled area was on his own request, but the Respondent authorities without considering all the factors had cancelled the order of transfer whereas other many employees were relieved by the Respondent department at that relevant period.
4. On the other hand, learned counsel for the State submits that the transfer order of the Appellant was cancelled only on the ground that there is deficit of the Patwaris. District Bijapur being interior scheduled area and looking to deficiency of Patwaris, the order cancelling the order of transfer of the Appellant has rightly been passed.
5. We have heard learned counsel for parties, the order of transfer and its cancellation (which is under challenge) is of the year 2016. There might be justifiable reason's for cancelling the order of transfer of the Appellant at the relevant period of time. But it is about more than 2½ years prior.
6. It was also argued by Petitioner that due to his personal difficulties after completion of more than 17 years of his service at Bijapur District he made an application for transfer on his own expenses, but even after lapse of more than 2½ years of cancellation of order of transfer he was not considered for transferring his posting as he has approached this Court by filing a writ petition.

7. Respondent being a welfare State has an obligation to look into the problems and difficulties of their employees and to issue appropriate orders accordingly looking to the length of service rendered by an employee at a particular place or area.
8. Learned counsel for Appellant at the end submits that at least the Respondents may be directed to consider the Appellant for fresh transfer in this session. This prayer of Appellant was not objected by counsel for the Respondents. She submits that if any application is made by Appellant, then it will be considered in accordance with law.
9. In view of the facts and circumstances of the case and looking to the date of order of transfer i.e. 30.11.2016 and date of cancellation of transfer order of Appellant, we are not inclined to interfere with the impugned order. However, taking into consideration that the earlier transfer order is of about three years prior i.e. 30.07.2016 and also the undisputed fact that the Appellant has already completed about 21 years of his service at Bijapur District, prayer made by Appellant and not opposed by learned counsel for the State, we direct the Appellant to make a fresh application/representation for fresh transfer before competent authority within a period of two weeks' and thereafter the competent authority to decide within a further period of four weeks in objective manner keeping in mind the facts of the case.
10. Appeal is disposed off with aforementioned observations.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge