

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 364 of 2019

(Arising out of order dated 01.08.2018 passed by learned Single Judge in WP(S). No. 7538 of 2017)

Sarjoo Ram Thakur S/o Shri M.R. Thakur Aged About 46 Years
Occupation Patwari, Working At Patwari Halka No. 23 Pinkonda,
Post And Tahsil - Bhairamgarh, 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	: None appears.
For Respondents/State	: Shri Vikram Sharma, Dy G.A

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per Justice Parth Prateem Sahu, J

09.08.2019

1. Heard on IA No.1/2019, application for condonation of delay in filling the appeal.
2. Though we are not satisfied completely by the reasons assigned in the application, but looking to the facts that the petitioner is posted in the interior scheduled area and also looking to the fact that during the intervening period, there were assembly and parliamentary elections, therefore, we allow IA No.1/2019, and delay of 236 days in filling the appeal is hereby condoned.

3. The appellant herein is one of the writ petitioners, who has challenged the order dated 01.08.2018 passed in W.P.(S) No.7538 of 2017 by the Writ Court, whereby the writ petition filed by the writ petitioner was dismissed.
4. Appellant was working as 'Patwari' prior to 30.07.2016, he was posted in District Bijapur. He was transferred from District- Bijapur to a different district, but the Superior Authority, at that relevant point of time, has not relieved him for joining at the transferred place of posting. Subsequently, order of transfer was cancelled by Respondent authorities.
5. Being aggrieved by cancellation of transfer order dated 30.11.2016, appellant has approached this Court by filing a writ petition bearing registration WP(S). No. 7538 of 2017. Said writ petition came up for hearing before the Writ Court alongwith other identical writ petitions, and the same came to be dismissed by impugned order dated 01.08.2018.
6. Facts of the case would show that the petitioner was working as 'Patwari' at Tahsil Office Bhairamgarh, District Bijapur since long. The order of transfer dated 30.07.2016 from Bijapur District to Tahsil Office Durg kondal District Kanker, which is also a scheduled area, 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.

7. 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.
8. We have heard learned counsel for respondents and perused records, 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.
9. 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.
10. Looking to the date of order of transfer i.e. 30.07.2016 and date of cancellation of transfer order of appellant i.e. 30.11.2016, we are not inclined to interfere with the impugned order. Taking into consideration that the state being an employer and transfer policies framed time to time for considering an employee to transfer from one place to another. Looking to the exigencies of service, difficulties of the employee and length of a service of an employee at a particular place of posting respondent can pass appropriate orders afresh.
11. In the aforementioned facts and circumstances of the case, if appellant makes a fresh application/representation for considering

him for 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.

12.Appeal is disposed off with the aforementioned observations.

Sd /-

(PR Ramachandra Menon)
Chief Justice

Sd /-

(Parth Prateem Sahu)
Judge