

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 6677 OF 2019**

Ashay Ratale, S/o Awadh Kumar Ratle, aged about 45 years, presently posted and working as Assistant Grade-II in the office of Assistant Director, Horticulture, District Balod (CG), R/o Ward No. No.52, Dhanora road, in front of Deshmukh Marbal, Borsi, District Durg (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through the Secretary, Development and Farmer Welfare and Bio-Technology Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (CG)
2. Director, Directorate Horticulture and Agriculture, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur (CG)
3. Assistant Director, Horticulture, Balod, District Balod (CG) **... Respondents**

For Petitioner	:	Mr. Sumit Singh Rathore, Advocate
For Respondent-State	:	Mr. Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/08/2019

1. Challenge in the present writ petition is to the order of transfer dated 22.8.2019 (Annexure P-1) passed by the respondents transferring the petitioner from the Office of Assistant Director, Horticulture, District Balod to the Office of Assistant Director, Horticulture, Kanker, District Kanker.
2. Challenge to the transfer order is on the ground that the impugned order reflects the transfer of the petitioner to have been made on his own expenses.
3. According to counsel for the petitioner, the petitioner has never moved any application nor has requested for any order of transfer, yet the authorities have shown the transfer of the petitioner to have been made on his own expenses.
4. Given the aforesaid facts, let the petitioner within 10 days from today make an appropriate representation to respondent no.2 who in turn shall consider and decide the same as expeditiously as possible preferably within a period of 30 days from the date of receipt of representation.
5. However, if on verification it is found that the petitioner has never made any such request for transfer, the impugned order so far as the petitioner is concerned shall not be acted upon, reserving the right of the respondent-State to take appropriate decision at a later stage on administrative exigency.

6. That, on verification if it is found that the petitioner has in fact made a request, then the impugned order would not stand interfered with and the respondents would be at liberty to relieve the petitioner from the present place of posting.
7. Till the representation is decided, the effect and operation of the impugned order of transfer shall remain stayed so far as the petitioner is concerned, subject to verification of fact whether the petitioner has made a request for his transfer or not.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

/Sharad/