

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6926 of 2019**

S. B. Panday S/o Shri Chhannu Panday, Aged About 54 Years, Presently Working As Sub Divisional Officer, At Forest Division Pratappur, District Surajpur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Additional Secretary, Department Of Forest, Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur Chhattisgarh
3. Divisional Forest Officer, District Surajpur, Chhattisgarh
4. Chief Conservator Of Forest, Forest Circle Surguja Ambikapur, District Surguja, Chhattisgarh
5. Manoj Kumar Vishwakarma, Assistant Conservator Of Forest (State Cadre), Forest Sub Division Gariaband, District Gariaband Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. U. N. S. Deo, Advocate
For State	:	Ms. Abhyunati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04.09.2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 23.08.2019 whereby respondent no.5 has been transferred at the place where the petitioner is working i.e. at Sub Divisional Officer Pratappur, Forest Division, Surajpur.
2. The contention of the petitioner is that the place where respondent no.5 is being posted is one which is presently being held by the petitioner.

According to the petitioner, at the present place of posting, it is only by Annexure P-2 dated 29.09.2018, the petitioner was given the charge of SDO, Forest. The further contention of the petitioner is that respondent no.5 is a person who is much junior to him. Since the petitioner is senior, the charge cannot be taken away from the petitioner to be handed over to a person who is much junior to him as the same would become in contravention to the Govt. circular in respect of grant of charge and therefore, the order of transfer so far as respondent no.5 is concerned is in contravention to the transfer policy particularly Clause 2.14.

3. Given the aforesaid facts, since there is no order passed specifically transferring the petitioner from his present place of posting, this Court is of the opinion that the petitioner may not have a strong case calling for an interference to the impugned order.
4. However, the petitioner has substantively been posted at the said place vide Annexure P-2 and the petitioner also being the senior most person, unless and until there is a specific order issued with regard to the petitioner, he cannot be denied of the charge that he is still discharging pursuant to Annexure P-2 dated 29.09.2018.
5. With the aforesaid observation the writ petition stands disposed of reserving the right of the parties to take appropriate steps for redressal of the grievance of the petitioner as well as the respondent no.5, if any.

Sd/-
P. Sam Koshy
Judge