

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7015 of 2019**

Shailesh Kumar Nirala S/o Shri G. R. Nirala Aged About 30 Years R/o
Pre-Metric Scheduled Tribe Boys Hostel, Bilha, District Bilaspur
Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Caste And Scheduled Tribe Development, Mahanandi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. District Collector Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Assistant Commissioner (Tribal) Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Prashant Dhar Diwan Hostel Superintendent, Pre-Metric Boys Hostel, Shivtarai, Block Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Sunil Otwani, Advocate
For State	:	Mr. Ashutosh Mishra, 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 the services of the petitioner has been transferred from Pre-Metric Scheduled Caste Boys Hostel, Shivtarai, Block Kota, District Bilaspur to Pre-Metric Scheduled Caste Boys Hostel, Bilha, District Bilaspur.
2. The contention of the petitioner is that, it is the petitioner who is substantively holding the post of the Superintendent at Pre Metric Scheduled Caste Boys Hostel, Bilha, Bilaspur and there is no modification/amendment or change to the said posting so far as petitioner is concerned and the petitioner also has been discharging his duties without any sort of complaint or dissatisfaction of the higher

authorities in the department. As long as there is no order so far as disturbing the present status of the petitioner, the charge of the said post cannot be taken from the petitioner.

3. The contention of the petitioner seems to be fair and reasonable for the reason that admittedly the petitioner was substantively posted as Superintendent at Pre Metric Scheduled Caste Boys Hostel, Bilha and that the impugned order does not reflect the petitioner to have been shifted to another place and as long as there is no order so far as posting of the petitioner to a different place, the petitioner has all the right to remain as Hostel Superintendent at Pre Metric Scheduled Caste Boys Hostel, Bilha. The petitioner further submits that the wife of the petitioner is also posted at Kota, District Bilaspur and as per the transfer policy of the State Government, they should be accommodated as far as possible at the same place.
4. With the aforesaid observations, the writ petition stands disposed of.
5. The parties to the dispute would have liberty to make representation to the authorities concerned for redressal of their grievances, if any.

Sd/-
(P. Sam Koshy)
Judge

Ved