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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7204 of 2019**

Manas Gupta S/o Late Shri Anirudha Gupta, Aged About 44 Years,
Presently Posted And Working Incharge Sub Divisional Officer, Rural
Engineering Service (RES), Batouli, District- Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District- Raipur, Chhattisgarh
2. Superintending Engineer, Rural Engineering Services, Surguja Division, Ambikapur, Surguja, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat, Ambikapur, Surguja, Chhattisgarh
4. Rajendra Dubey, Sub Engineer, Janpad Panchayat, Raipur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rakesh Kumar Jha, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.09.2019**

1. The challenge in the present writ petition is to the order of transfer dated 22.08.2019 Annexure P-1 whereby respondent no.4 is being sent as a Sub Divisional Officer to the place where the present petitioner is In-charge, Sub Divisional Officer.

2. The contention of the petitioner is that he is the senior most person available in the Department and therefore, he has been made the In-charge, Sub Divisional Officer. Further contention of the petitioner is that respondent no.4 is much junior person than the petitioner and by complying with the order of transfer, the petitioner would be forced to work under respondent no.4 which would cause much inconvenience and the same is also in contravention to the circular of the State Govt. so far as handing over of the charge is concerned wherein the State Govt. has specifically stated that the charge should always be handed over to a person who is senior most person in the office.
3. Given the aforesaid facts and circumstances of the case, let the petitioner make a representation in this regard to the respondent no.1 within a period of 10 days from the date of receipt of certified copy of this order. The respondent no.1 in turn shall consider the aspect of seniority of the petitioner and the respondent no.4 and take an appropriate decision as to whether respondent no.4 could be made In-charge Sub Divisional Officer in spite of the petitioner being senior to respondent no.4.
4. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as respondent no.4 is concerned shall remain stayed.
5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge