

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7734 of 2019

Mordhwaj Kshatriya S/o Sakharam Aged About 43 Years Posted As Patwari, Patwari Circle No. 59, Parsada, Sub - Division - Patan, District - Durg Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Revenue And Disaster Management Department, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. The Collector Durg District Durg Chhattisgarh.
3. Sub - Divisional Officer (Revenue) Patan, District - Durg Chhattisgarh.
4. Yadav Ram Thakur Posted As Patwari, Circle No. 12, Ganiyari, Sub - Division - Patan, District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Rakesh Pandey, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

18/09/2019

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 09.09.2019 whereby the petitioner has been transferred from Patwari Halka No. 59-Parsada to Patwari Halka No. 55-Kesra.
2. The main ground of the petitioner is that the impugned order has been passed without any authority, power and jurisdiction. According to the petitioner, the transfer order could have been issued only by the Collector and not by the Sub-Divisional Officer. Moreover, the contention of the petitioner is that there is no provision empowering the Sub-Divisional Officer for transferring a Patwari from one place to another. The grounds, which the petitioner has raised, would be applicable in case if the petitioner is transferred from one Division to another Division. In the instant case, the petitioner is admittedly working under the same Sub-Divisional Officer and the posting has been made within the same area under the same Sub-

Divisional Officer. It is not in fact an order of transfer, it is only a redistribution of works or the allotment of works given to the different Patwaries working under the same Sub-Divisional Officer. Neither, it can be brought within the ambit of a transfer, nor the transfer policy of the State Government would be applicable in the instant case. Moreover, the distance between the two places also is not much, which calls for judicial review or interference to the impugned order dated 09.09.2019.

3. The writ petition, therefore, being devoid of merits stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved