

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 439 of 2019

D.D. Ratre S/o Late Shri T.R. Ratre Aged About 42 Years Presently Posted as Lecturer Sports (Physical Education) at District Education and Training Institute (Diet), Korba Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through Its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Director, Directorate of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh.
3. District Education Officer, District Korba Chhattisgarh.
4. Anil Kumar Mishra Posted as Assistant District Sports Officer at District Education Officer, Raipur Chhattisgarh.

-----Respondents

For Appellant	: Shri Ishan Verma, Advocate.
For State	: Shri Sudeep Verma, Dy. Government Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ

01.10.2019

1. Challenge is against the verdict passed by the learned Single Judge, whereby interference was declined with regard to the transfer of the petitioner/appellant from District- Korba to District -Bilaspur sought to be challenged as per the Annexure P/1 order dated 22.08.2019.
2. We have heard the learned counsel for the appellant as well as learned counsel representing the State.
3. The grievance appears to be more with regard to the posting given to the 4th respondent, who is stated as a 'junior', and put in the charge of the 'Assistant Director'; which according to the

petitioner/appellant, is detrimental to the rights or interest of the petitioner/appellant insofar as, he happens to be the 'senior'.

4. After considering the matter, the learned Single Judge observed that the tenure of the petitioner/appellant in Korba was already over and in the said circumstance, in view of the fact that no mitigating circumstance so as to interdict the transfer was pointed out or substantiated, interference was declined with regard to the transfer. However, with regard to the grievance as to the posting given to the fourth respondent and any other incidental issue, the petitioner/appellant was set at liberty to make a representation before the Competent Authority within ten days, which was directed to be disposed off within 45 days, as discernible from paragraph No.5 of the judgment.
5. We do not find any tenable grounds so as to call for interference.
6. Appeal fails. It is dismissed accordingly.
7. However, since the time to prefer the representation is already over, the appellant is granted a further period of '10 days' from today, to make the representation and it is preferred on time, the same shall be considered and finalised within a further period of 'one month' from the date of receipt of the representation; in the light of Annexures P/2 & P/3 Circulars and such other relevant circulars/instructions/rules, if any, with regard to the assignment of charge to the employees concerned.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge