

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 8012 of 2019**

S. P. Sahu S/o. Punauram Sahu, Aged About 56 Years, R/o. F - Type
Quarter Behind Rest House, Sakti, District Janjgir Champa,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department,
Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New
Raipur, District Raipur, Chhattisgarh
2. Engineer In Chief, Public Works Department, Mahanadi Bhawan,
Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur
Chhattisgarh
3. Additional Chief Secretary, Gramin Avam Panchayat Vibhag, And
Chairman, Transfer Coordination Committee, Capital Complex, Atal
Nagar, New Raipur, District Raipur, Chhattisgarh
4. Executive Engineer, Public Works Department, Champa, Division
Champa, Chhattisgarh
5. Keshav Prasad Lehare, Sub-Division Officer, Public Works
Department Champa, Sub Division Mungeli, District Mungeli
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Prasoon Agrawal, Advocate.
For State	:	Mr. Jitendra Pali, Dy. A.G.

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

27.09.2019

1. The grievance of the petitioner in the present writ petition is to the development that transpires pursuant to WPS No. 7019/19 filed by Ramnaresh Dubey decided on 03.09.2019.
2. Facts of the case are that the petitioner stood transferred vide Annexure P-3 dated 17.08.2019 from Sub Division, Sakti to Sub Division No.2, Katghora. The place where the petitioner was transferred was one which was occupied by Ramnaresh Dubey who had filed WPS No.7019/19 challenging his transfer from Katghora to Jagdalpur. This Court disposed of the said writ petition with liberty to Ramnaresh Dubey for preferring a representation within 10 days and the respondents to decide that representation within 45 days. Meanwhile, the impugned order so far as Ram Naresh Dubey is concerned was stayed. As a consequence of the said stay, Ramnaresh Dubey continues at Katghora where the petitioner has been transferred. This fact of the interim protection granted in the case of Ramnaresh Dubey was brought to the notice of the authorities concerned on the very next day, yet the authorities have relieved the petitioner from Sakti. As a consequence, as on date, the difficulty of the petitioner is that he is not able to get the charge in the light of Ramnaresh Dubey continuing in office at Katghora by virtue of the interim order passed by this Court. The further difficulty which has arisen is that the person who has been sent as a reliever to the petitioner namely Keshav Prasad Lahre has already executed his order and has reported for joining at Sakti. However, the petitioner till date has not given the charge to his reliever.

3. All said and done, the entire dispute would stand resolved if the State authorities take a decision on the case of Ramnaresh Dubey whose petition has already been disposed of. While deciding the case of Ramnaresh Dubey, the interest of the petitioner should also be borne in mind by the Department and appropriate order and steps should be taken to avoid further complications so far as the petitioner and the person who occupies the place by virtue of the interim order of this Court at the place where the petitioner has been transferred.
4. Let the petitioner make an appropriate representation in this regard to the respondent no.1 who in turn shall consider that also along with the representation to be decided that of Ram Naresh Dubey.
5. Meanwhile, let status quo as it exists today be maintained so far as the case of the petitioner is concerned.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge