

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 8107 of 2019**

Nand Kumar Yadav S/o Shri Sudan Saye Yadav, Aged About 32 Years
Presently Posted As Forest Guard At Beat Gadiyadih, Range Tapkara,
Forest Division Jashpur, Circle Surguja, District Jashpur, R/o Nagar
Panchayat - Kotba (Begabahal) Ward No. 15, Tahsil - Pathalgaon
Dist. Jashpur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, Tahsil And District - Raipur, Chhattisgarh, Pin 492002
2. State Of Chhattisgarh Through Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya Atal Nagar, Naya Raipur, Tahsil And District - Raipur, Chhattisgarh, Pin 492002
3. Principal Chief Conservator Of Forest, Chhattisgarh Aranya Bhavan Sector 19, North Block, Nawa Raipur, Atal Nagar, Pin 492002
4. Chief Conservator Of Forest, Forest Circle Surguja, District - Surguja Chhattisgarh
5. Divisional Forest Officer, Division Jashpur, District Jashpur Chhattisgarh
6. Forest Range Officer, Range Tapkara, District Jashpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vaibhav P. Shukla with Mr. Aditya Shrivastava, Advocates.
For State	:	Mr. Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.10.2019**

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 23.08.2019 whereby the petitioner has been transferred from Forest Range Tapkara, Division Jashpur to Forest Range Kunkuri, Forest Range Bastar.
2. The contention of the petitioner is that the impugned order of transfer smacks malafide for the reason that the order of transfer has been made at the behest of political person as is evident from Annexure P-3 dated 21.06.2019 who had made certain false complaint against the petitioner and similarly placed persons and sought for transfer of the petitioner from the present place of posting to Bastar area. Counsel for the petitioner submits that based on the said complaint Annexure P-3, the State authorities were asked to take necessary steps for transferring the petitioner. Thus, it clearly reflects that the order of transfer has been made at the behest of the political interference. Second ground of the petitioner is that the petitioner is a low paid employee working as a Forest Guard and he has been sent from one scheduled area to another core scheduled area. Counsel for the petitioner submits that the petitioner is being transferred outside the circle which otherwise is not permissible considering the fact that the seniority of the petitioner is maintained circular wise.
3. Given the aforesaid facts, let the petitioner make a detailed representation to the respondents within a period of 10 days from the date of receipt of certified copy of this order and the respondents in

turn shall consider the same within a further period of 45 days from the date of receipt of the representation.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge

Khatai