

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No.496 of 2019

(Arising out of order dated 09.9.2019 passed by learned Single Judge in
WPS- 7041 of 2019)

Roop Singh Paikra S/o Shri Fhagun Singh Paikra Aged About 45 Years
R/o P-3, Avantika Colony, Bodhghat, Sundar Lal Sharma Ward,
Jagdalpur, District Bastar Chhattisgarh 494001.

---- Appellant

Versus

1. State of Chhattisgarh Through Its Secretary, Department of Agriculture, Corporation and Farmers Welfare and Bio-Technology, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. General Administration Department Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, Raipur District Raipur Chhattisgarh.
3. Deputy Director Horticulture, Jagdalpur, District Bastar Chhattisgarh.

-----Respondents

For Appellant	:	Shri Animesh 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

06.11.2019

1. The appeal arises from the order dated 09.09.2019 passed by the learned Single Judge whereby the writ petition was disposed of directing the Competent Authority to consider the representation, if any, preferred by the writ petitioner with regard to the challenge against the transfer.
2. We have heard the learned counsel for the appellant as well as the learned counsel representing the State.
3. The writ petitioner was working as 'Rural Horticulture Extension Officer' and posted in the office of Deputy Director, Horticulture, Jagdalpur, District- Baster, C.G., which was a scheduled area. As per the Annexure P/1 dated 23.08.2019, he was ordered to be transferred to Raigarh,

which is a non-scheduled area. Because of the various constraints and also the credentials, the petitioner expressed his desire to continue in the Scheduled area itself. It was also with reference to the transfer ordered during the middle of the academic year and the adverse impact which was to be caused to the studies of the children, besides such other reasons. The petitioner simultaneously moved this Court by filing the writ petition which was disposed off with liberty to the petitioner to move the authorities by filing a representation, simultaneously directing the Competent Authority to consider the representation and to have it finalized as specified therein. This is sought to be challenged in this appeal stating that the interest of the writ petitioner/appellant is not protected till the finalization of the representation.

4. Today, when the matter is taken up for consideration, it is stated by the learned counsel representing the State that, pursuant to the order of the transfer and finalization of the proceedings by the learned Single Judge, the substitute posted in the place of the petitioner has already come and joined on 16.9.2019.
5. The learned counsel for the appellant submits that after finalization of the proceedings by the learned Single Judge, some other assignments were given to the appellant and as per the last order dated 25.10.2019, he has been posted as 'Nodal Officer' of the 'Gram Panchayat Vikas Yojna' in the District- Bastar. The learned counsel points out that by virtue of the said proceedings, the appellant is still continuing in the scheduled area at Bastar and as such, the possibility of giving a posting in the present slot which is now being occupied by him or such other

appropriate place, might also be caused to be considered when the matter is finalized, as directed by the learned Single Judge.

6. After hearing both the sides, we are of the view that the direction given by the learned Single Judge does not require any modification, but for holding that the 'Status Quo' as on date shall be continued till the grievance projected in the representation is considered and finalized by the Competent Authority in accordance with the law.
7. Appeal is disposed of accordingly.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge