

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8735 of 2019

Bhanu Pratap Yadav S/o Shri Late Ganga Ram Yadav, Aged About 42 Years Working As A Range Assistant Circle Kodri, Forest Range Kodri, Division Marvahi, Police Station Pendra Road, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Department of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
2. Chief Conservator of Forest, Forest Circle Bilaspur, District Bilaspur, Chhattisgarh.
3. Divisional Forest Officer, Forest Division Marvahi, District Bilaspur, Chhattisgarh.
4. Range Officer, Forest Range, Kodri, Division Marvahi, Police Station Pendra Road, District Bilaspur, Chhattisgarh.
5. Satram Kevart Working as Van Pal, Udan Dasta Marwahi, Division Marvahi, Police Station Pendra Road, District Bilaspur, Chhattisgarh. **--- Respondents**

For the Petitioner	: Mr. Vaibhav P. Shukla, Advocate
For the State	: Mr. Priyank Rathi, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-10-2019

1. The grievance of the petitioner is that he was posted as Range Assistant at Kodri Forest Range vide order dated 20.06.2019 (Annexur P-2) and within two months of his transfer, respondent No.5 Santram Kevart has been transferred to the same post and place. It is contended that the petitioner is holding substantial post and within two months of his posting, respondent no.5 has been transferred by impugned order dated 23.08.2019, therefore, two persons cannot be posted at the same place on the same post

and if the petitioner is disturbed within a short span of two months, it will amount to adjustment of respondent no.5 in place of petitioner.

2. A perusal of the order dated 20.06.2019 would show that the petitioner was posted as Range Assistant, Kodri Parikshetra. Subsequently, after two months, respondent no.5 has been placed on the same post. Fundamental Rule 12 purports that two government servants cannot be posted on the same permanent post at the place.
3. Since the petitioner is already working on substantial post and was posted at Kodri Parikshetra two months back wherein respondent no.5 has been transferred vide impugned order dated 23.08.2019, it is directed that respondent nos. 1, 2 & 3 shall pass a suitable order within a period of 60 days from the date of receipt of this order. Till the substantial order is passed by the respondents, the petitioner shall not be disturbed from the present place of posting.
4. This writ petition is accordingly disposed off.

**Sd/-
GOUTAM BHADURI
JUDGE**