

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9207 of 2019

Shri Shyamlal Rathore S/o. Late Shri Ramdayal Rathore Aged
About 61 Years Posted As Executive Engineer, Rural Development
Division, Rural Road Development Division, Rural Road
Development Authority, Kawardha, District-Kabirdham

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural
Development Department, Kawardha District-Kabirdham,
Chhattisgarh
2. Collector District-Kabirdham Chhattisgarh
3. Chief Executive Officer Chhattisgarh Rural Road Development
Authority, Vikas Bhawan, Civil Lines, Raipur Chhattisgarh

----Respondents

For petitioner – Shri Anup Majumdar, Advocate.
For State-Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/11/2019

1. Grievance of the petitioner is that the petitioner has been transferred by order dated 23/08/2019 from Rural Engineering Service, Kabirdham to Project Implementation Unit, Kawardha. It is stated that the petitioner is Assistant Engineer. It is contended that the petitioner on 22/08/2019 by Annexure P-2 was transferred as In-charge, Executive Engineer, Rural Engineering Service and pursuant thereto he has taken charge on 28/08/2019 to the post of Executive Engineer as promotion has not been affected in the department. It is stated that one Deepak Mishra was also transferred by order dated 23/08/2019 as In-charge, Executive Engineer to the Project Implementation, Unit, Kawardha and by the impugned transfer which was made known to the petitioner on 9/09/2019 the petitioner would be placed below Deepak Mishra who is junior to him as the petitioner had to join in the capacity of Assistant Engineer. Learned

counsel refers to the gradation list and would submit that in the gradation list name of the petitioner is at serial no.101 and Deepak Mishra under whom the petitioner has been posted is at serial no.113.

2. Perused the documents. Perusal of the document shows that by order dated 23/08/2019 the petitioner was transferred as an In-charge, Executive Engineer of Rural Engineering, Kawardha and he had taken charge on 28/08/2019. Annexure P-8 shows that one Deepak Mishra was transferred as In-charge, Executive Engineer to the Project Implementation Unit, Kawardha on 23/08/2019 and the petitioner subsequent by the impugned order Annexure P-1 has been transferred on 23/08/2019 as Assistant Engineer to the Project Implementation Unit, Kawardha. The gradation list which is on record shows that the petitioner is senior to Deepak Mishra who was transferred on 23/08/2019 as an In-charge of Executive Engineer to the Project Implementation Unit. Considering the fact, it is directed that the petitioner shall make a representation within a period of 15 days from today before the Grievance Redressal Committee. If such representation is filed, same may be decided within a further period of 45 days. Till then the transfer order dated 23/08/2019 in respect of the petitioner shall not be given effect to.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE