

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9245 of 2019

Rakesh Kumar Rathore, S/o. Late Shri B.P. Rathore, Aged About 33 Years, Presently Posted As Forest Guard Jarhapara, Circle Kodri, Forest Range Kodri, Division Marvahi, Police Station Pendra Road, District Bilaspur, Chhattisgarh.

--- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Divisional Forest Officer, Forest Division Marvahi, District Bilaspur, Chhattisgarh.
3. Range Officer, Forest Range, Kodri, Division Marvahi, Police Station Pendra Road, District Bilaspur, Chhattisgarh.
4. Girdhar Singh Kanvar, Working As Forest Guard, Barour Barrier Marvahi Division, District Bilaspur, Chhattisgarh.

--- Respondents

For the Petitioner	: Mr. Ashutosh Pandey, Advocate
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For the State	: Mrs. Deepti Shukla, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-11-2019

Heard

1. Grievance of the petitioner, who is a Forest Guard, is that the petitioner was posted on 21.12.2018 and he took his charge in the Forest Range Kodri as per Annexure P-2. It is stated that the respondent No.4 by the order dated 23.08.2019 has been transferred from Barour Barrier Marvahi Range to Jarhapara Parisar, Kodri Range, wherein the petitioner is holding the substantial post. It is contended that the petitioner has not even passed a year in the present place of posting and by the impugned order, the posting

of the respondent No.4 to the same post will defeat the right of the petitioner and it would amount to making adjustment of the respondent No.4 in place of the petitioner.

2. Perusal of Annexure P-2 would show that the petitioner was posted in Forest Range Kodri on 21.12.2018 and thereafter the respondent No.4 by the impugned order has been placed at 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 at Forest Range Kodri from 21.12.2018 about 10-11 months back and the respondent No.4 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 a copy 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. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
GOUTAM BHADURI
JUDGE