

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9278 of 2019**

- Amrish Kumar Dubey, S/o Shri Harihar Prasad Dubey, Aged About 54 Years, Presently Posted As Range Assistant, Forest Range Gaurella, Division Marvahi, P.S. 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. Chief Conservator Of Forest Bilaspur, Circle, District Bilaspur, Chhattisgarh
3. Divisional Forest Officer, Forest Division Marvahi, District Bilaspur, Chhattisgarh
4. Range Officer Forest Range, Gaurella, Division Marvahi, P.S. Pendra Road, District Bilaspur, Chhattisgarh
5. Manish Shrivastava, Working As A Van Pal Forest Division Janjgir-Champa, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ashutosh Pandey, Advocate
For Respondents/ State	:	Shri Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/11/2019**

1. Heard.
2. The grievance of the petitioner is that he was posted as Range Assistant at Gurella Forest Range, Division Marvahi vide order dated 30.09.2019 (Annexur P-2) and within one month of his transfer, respondent No.5 Manish

Shrivastava has been transferred to the same post and place. It is contended that the petitioner is holding substantial post and within one month of his posting, respondent no.5 has been transferred by impugned order dated 16.10.2019, 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 one month, it will amount to adjustment of respondent no.5 in place of petitioner.

3. A perusal of the order dated 30.09.2019 would show that the petitioner was posted as Range Assistant at Gurella Forest Range, Division Marvahi. Subsequently, after one month, 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.
4. Since the petitioner is already working on substantial post and was posted at Gurella Forest Range, Division Marvahi one month back wherein respondent no.5 has been transferred vide impugned order dated 16.10.2019, 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.
5. This writ petition is accordingly disposed off.

Sd/-

Goutam Bhaduri
Judge