

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9922 of 2019**

- S. R. Thakur S/o Late Shri Kani Ram Thakur Aged About 61 Years Presently Posted And Working As Deputy Superintendent Of Jail, Office At District Dhamtari (Chhattisgarh), Attached To Sub Jail Katghora, District- Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home (Police), Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Under Secretary State Of Chhattisgarh, Home Department (Jail), Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh
3. Director General Of Jail And Corrective Services Chhattisgarh, Raipur, District- Raipur, Chhattisgarh
4. Shyam Lal Jangade Assistant Superintendent Of Jail, Central Jail Bilaspur, District- Bilaspur (Chhattisgarh), Attached To Sub Jail Sakti, District- Janjgir- Champa, Chhattisgarh

---- Respondents

For Petitioner : Shri Punit Ruparel, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/11/2019**

1. Heard.
2. This is the second round of litigation. In the earlier round of litigation in WPS No.6899 of 2019 the transfer order dated 23.08.2019 was challenged whereby the petitioner was transferred from District Jail Dhamtari to District Jail Jashpur. This Court in WPS No.6899 of 2019 has passed the following order:-

“2. The contention of the petitioner is that the petitioner has got only 1 ½ years of service left for superannuation. At this juncture, of his service career he should not be sent to so far an area. Further contention of the petitioner is that it was recently that petitioner was attached to the sub Jail, Katghora in June, 2019 and having worked there for about two months now again he has been shifted. If at all, if the respondents intended to transfer, the respondents could have considered transferring the petitioner substantively at Katghora where the petitioner has already worked for last two months on attachment instead of jashpur.

3. Given the fact, let the petitioner make a detailed representation to the Respondent No. 1 and the Respondent No. 1 within a period of 10 days from today and respondent No.1 in turn shall decide the same within a period of 45 days. While considering the representation the authorities would consider whether the petitioner can be accommodated at the place where he was attached since June, 2019 itself by way of regular transfer.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order Annexure P-1 shall remain stayed.

5. With the aforesaid observations, the present Writ Petition stands disposed off. “

3. It is contended that the petitioner is due for retirement and his retirement is in the year 2021 and as per the transfer policy the transfer of the petitioner should not have been made at the fag end of service. It is further contended that the representation was decided by the respondents by a non-speaking order and no reason has been assigned.
4. Perused the order rejecting the representation dated 04.11.2019. The dismissalal order of the representation shows that after due consideration it is dismissed. When such representation is considered on the basis of the order passed by this Court it should have been considered and decided by a speaking order. The order dismissing representation in the present case assigns no reasons and short order is passed. It is expected that when there is an order passed by this Court to decide the representation it is but expected that it should be decided by a speaking order. Consequently, since the order dismissing the representation is too cryptic and without any reason, the same is set aside. The matter is remitted back to the respondent No.2, who has passed the order, to

decide afresh the representation of the petitioner by a speaking order taking into the fact that the petitioner is due for superannuation. The respondent No.2 is directed to pass an order within a period of 45 days from today. The petitioner is directed to produce the copy of this order before the respondent No.2 within a week from today. Till the representation of the petitioner is decided, if the petitioner has not been relieved till date, the transfer order of the petitioner shall not be given effect to.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu