

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9854 of 2019**

- Sanjay Kumar Gupta S/o. Shri Ramchand Gupta Aged About 31 Years Presently Working As District Commandant, Nagar Sena, Bijapur, District- Bijapur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through- The Secretary, Home Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur Chhattisgarh
2. Director General Home Guard, Atal Nagar, Naya Raipur, District- Raipur Chhattisgarh
3. Shri V.K. Lakra S/o. Shri. G. Lakra Aged About 50 Years District Commandant, Home Guard, Surajpur, District- Sarguja Chhattisgarh

---- Respondents

For Petitioner : Shri S.K. Verma, Advocate

For Respondents/State : Shri Ravish Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/11/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was transferred by order dated 23.08.2019 from District Bijapur to District Surajpur and pursuant to such transfer order the petitioner was relieved on 29.08.2019 and he joined at Surajpur on 31.08.2019. He would further submit that the respondent No.3 V.K. Lakra, who was transferred from Surajpur to Bijapur by the same transfer order dated 23.08.2019 filed a writ petition bearing WPS No.6719 of 2019 challenging the said transfer order wherein this Court given

liberty to respondent No.3 to file representation and also directed that till the representation of the respondent No.3 is decided the transfer order dated 23.08.2019 shall remain stayed. It is the grievance of the petitioner that the respondent No.2 has issued memo to the petitioner to work at Bijapur despite the fact that the petitioner has joined at Surajpur and the said transfer order has not been canceled.

3. This Court in WPS No.6719 of 2019 on 02.09.2019 has passed the following order:-

- “1. The challenge in the present writ petition is to the order of transfer in which the petitioner has been transferred vide Annexure P-1 dated 23.08.2019 whereby the petitioner has been transferred from Surajpur to Bijapur.
2. Contention of the petitioner is that for the last continuous two tenures the petitioner has been posted in the scheduled area. Now again the petitioner has been sent to a far off more interior core scheduled area. According to the petitioner as per the transfer policy, the authorities are to ensure that after having worked in a scheduled area as far as possible the person should be accommodated to a non scheduled area.
3. Considering the aforesaid facts, let petitioner make a detailed representation within a period of 10 days from today and on receipt of the representation the authorities concerned shall decide the same within a period of 45 days.
4. Till the representation of the petitioner is decided, the impugned order Annexure P-1 shall remain stayed.”

4. I have heard learned counsel for the petitioner and perused the documents.

5. Perusal of the documents shows that a letter dated 12.08.2019 (Annexure P-4) was issued which was addressed to the petitioner by the Director, Home Guard whereby the explanation was sought from the petitioner that how could he was ex-parte relieved and he was directed to be placed at Bijapur till the interim order passed in WPS No.6719 of 2019 is either modified or canceled. Considering the facts of this case, no order is required to be passed by this

Court. The transfer order passed wherein the petitioner is also affected is subject of adjudication by the State. Consequently, at present no relief can be granted.

6. The petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu