

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9849 of 2019**

- Chonahas Toppo, S/o. Late Dhan Masih Toppo, Aged About 56 Years, Presently Working On The Post Of Technical Assistant Government Polytechnic Collage Baloda Bazar, District- Baloda Bazar Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through- The Secretary, Department Of Technical Education Mahanadi Bhawan Atalnagar Raipur District Raipur Chhattisgarh
2. The Director Directorate Of Department Of Technical Education Indrawati Bhawan Atalnagar Raipur District Raipur Chhattisgarh
3. Principal Government Polytechnic Collage Baloda Bazar District Baloda Bazar Chhattisgarh

---- Respondents

For Petitioner : Shri A.N. Pandey, Advocate

For Respondents/ State : Shri Kapil Maini, Panel Lawyer

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

Heard.

1. Learned counsel for the petitioner contends that the petitioner was appointed as Lab Assistant at Polytechnic College Ambikapur, and he was transferred to Polytechnic College Balodabazar in the year 2017. Subsequently, he made an application on 14.06.2019 to transfer him back to Ambikapur on different grounds, however, the Director Technical Education has contended by letter dated 28.09.2019 (Annexure P-7) that the post where in petitioner is working is institutional level post thereby there is an deemed refusal. Learned counsel for the petitioner further submits that it is

contended that initially the petitioner was appointed as a Lab Assistant at Polytechnic College Ambikapur and it being the institutional level post the seniority of the petitioner would be governed by the seniority list which is kept at Polytechnic College, Ambikapur. Therefore, the cancellation of the request of the petitioner by the Director Technical Education is apparently wrong and submits the logic is in support of petitioner. He further refers to the seniority list of the petitioner kept at Polytechnic College, Ambikapur to show that continuing at Balodabazar would affect the seniority of petitioner.

2. Considering the prayer made, it is the prerogative of the State to transfer one employee from one place to another. Learned counsel contends that the petitioner was posted at Ambikapur and that being institutional post as claimed, the seniority of petitioner would be affected. The petitioner has stated that he was appointed at Ambikapur Polytechnic College and that is an institutional post. That being so if the petitioner request to transfer him back from Balodabazar is refused on the ground that it is an institutional post, the same logic may apply visa- versa if the petitioner was appointed at Ambikapur Polytechnic College in institutional post. The said issue is required to be gone into and petitioner would be required to re-agitate the issue as the request of transfer is negated on the ground that the petitioner is posted at Baloda bazar being institutional post. Therefore, the petitioner is given liberty to make a detailed representation again with all relevant documents so that the technical flaw can be avoided. The said representation may be filed within 4 weeks from today and the same being filed shall be decided within 3 months from the date of receipt of a copy of this order.

3. With the above observation the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge