

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10123 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,
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. Principal 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, Police Station Pendra Road, District Bilaspur Chhattisgarh.
5. Manish Shrivastava, Working as a Van Pal Forest Division Janjgir - Champa, District - Bilaspur Chhattisgarh. **--- Respondents**

For the Petitioner	: Mr. Shashank Thakur, Advocate
For the Respondents	: Mr. Ravish Verma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2019

1. The grievance of the petitioner is that on 30.09.2019, he was given the charge of Gaurella forest range and consequently the petitioner took over the charge as Assistant Forest Range Officer, but thereafter respondent no.5 Manish Shrivastava has been transferred by order dated 08.11.2019 from Janjgir Champa Forest Range to Gourela, Marwahi Forest Range where the petitioner is presently working.
2. It is contended that the order dated 08.11.2019 has been passed by the Principal Chief Conservator of Forests and on earlier occasion also, similar order was passed in favour of respondent No.5 by the Chief Conservator of Forest vide order dated 16.10.2019, upon which, this Court in WPS

No.9278/2019 has directed that two persons cannot be posted at the same place in view of the Fundamental Rules and further direction was given to pass the orders. It is stated that same repetition has been made, therefore, the order of the respondents suffers from illegality.

3. During the course of hearing, copy of the order passed on 14.11.2019 in WPS No.9278 of 2019 is placed. The said order was passed in the back ground of the fact that by order dated 16.10.2019, respondent No.5 was posted at the same place i.e., Gourella where the petitioner was holding the post and consequently it was directed that in view of Fundamental Rule 12, two government servants cannot be posted at the same place. However, at present, the order Annexure P-1 has been passed which is a substantial transfer order passed by the Principal Chief Conservator of the Forest whereby respondent No.5 has been transferred to the place wherein the petitioner is holding the charge. A perusal of Annexure P-1 shows that it is not only simple posting, but it is a substantial transfer of a government officer to a post. Consequently, no fault can be attributed to the State. The petitioner is holding of the charge at Gourella Forest Ranage. Therefore, I do not find any infirmity in the order dated 08.11.2019 warranting interference by this Court. Accordingly, this writ petition has no merit and is dismissed.

Sd/-
(GOUTAM BHADURI)
JUDGE