

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 599 of 2019**

*{Arising out of order dated 29.11.2019 passed by the learned Single Judge in Writ
Petition (S) No. 9932 of 2019}*

- Raj Rishi Rai, son of late H.S. Rai, aged about 57 years, working as Deputy Superintendent of Jail, Central Jail, Durg, District Durg (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, through the Under Secretary, Home (Police) Department, Mantralaya, Atal Naga, Nawa Raipur (C.G.)
2. The Director General, Jail and Sudharatmak Services, Chhattisgarh, Raipur (C.G.)
3. The Superintendent of Jail, Central Jail, Durg, District Durg (C.G.)
4. J.L. Meshram, working as Deputy Superintendent of Jail, District Jail, Rajnandgaon (presently posted at Sub-Jail, Bijapur), District Bijapur (C.G.)

---- Respondents

For Appellant	:	Shri Goutam Khetrapal, Advocate.
For Respondent/State	:	Shri Ghanshyam Patel, Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****16.12.2019**

1. Appeal is against the verdict passed by the learned Single Judge, whereby the challenge against the transfer of the Petitioner was declined to be interdicted.

2. The Petitioner moved this Court by filing writ petition with the following prayers:

“10.1 That, this Hon'ble Court may kindly be pleased to set aside/quash the impugned order dated 23.08.2019 (Annexure P/1) and impugned communication dated 22.10.2019 (Annexure P/5) issued by respondent No. 1, so far it relates to placement of petitioner and further be pleased to direct the respondent authorities to allow the petitioner to continue at his present place of posting.

10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

3. 'Paragraph 5' of the judgment passed by the learned Single Judge is to the following effect:

“The document as filed by the petitioner, show that on certain level the case of the petitioner was considered in his absence and one J.L. Meshram, who was posted at Sub Jail Bijapur, has been transferred in place of the petitioner i.e. at Central Jail, Durg on his own request and thus, the same aspect has to be considered. Therefore, the petitioner is given liberty to make a representation before the Grievance Redressal Committee within a period of 15 days from today and the said Grievance Redressal Committee shall consider and decide the representation of the petitioner within a further period of 60 days from the date of filing of the representation.”

4. When the appeal came up for consideration before this Court on 12.12.2019, the following order was passed:

“It is fairly conceded by the learned counsel for the Appellant that pursuant to the verdict passed by the learned Single Judge, the 4th Respondent has come and joined at the place from where the Petitioner was transferred as per the order under challenge in the writ petition. It is stated that the Petitioner/Appellant has served in a core scheduled area on earlier occasion as well and since he has crossed the age of 55 years, he cannot be posted in a core scheduled area by virtue of terms in the Circular dated 03.06.2015 issued by the State. The learned counsel submits that there are open vacancies in such other places as well.

The learned counsel representing the State may get instructions.”

5. The assertion made on the part of the Appellant was that the Appellant has also served in core scheduled area on an earlier occasion and since he has crossed the age of 55 years, he cannot be posted again in a core scheduled area, by virtue of the specific terms in the Circular dated 03.06.2015 passed by the State. It was also pointed that vacancies are available in the nearby places. It was also brought to the notice of this Court that, as per Annexure A/4 dated 13.09.2019; the DIG (Jail) has recommended to post the Appellant in Central Jail, Raipur.
6. Today, when the matter is taken up for consideration, the learned counsel representing the State submits that the matter will be examined by the 'Competent Authority' and since open vacancies are available at Raipur, Bilaspur, Ambikapur and Jagdalpur, proper posting will be given to the Appellant in any of the said vacancies, depending upon the administrative exigency.
7. In the said circumstance, the appeal is disposed off directing the Respondent concerned to have it considered and finalized as expeditiously as possible, at any rate within a period of 'two weeks' from the date of receipt of a copy of this judgment.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge