

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 250 of 2020**

Anand Kumar Xaxa, S/o. Ernest Xaxa, Aged About 45 Years, Working As Rural Agriculture Extension Officer, Ambikapur, Block Ambikapur, District - Surguja Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through - The Secretary, Agriculture Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Director, Agriculture, Directorate, Agriculture, Vikas Bhawan, Nava Raipur, Atal Nagar, Raipur, District - Raipur Chhattisgarh.
3. Joint Director, Agriculture, Division Ambikapur, District - Surguja Chhattisgarh.
4. Deputy Director, Agriculture, Division Ambikapur, District - Surguja Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. C.Jayant K. Rao, Advocate

For State/Respondents : Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

14.01.2020

1. This is the second round of litigation. Earlier the petitioner was transferred from Block Ambikapur, District Sarguja to Block Shankargarh, District Balrampur, which was subject of challenge in WPS No.7025 of 2019 wherein this Court by order dated 03.09.2019 has passed the following orders :

"1. The challenge in the present writ petition is to the order Annexure P-1 dated 22.08.2019 whereby the petitioner has been transferred from Block Ambikapur, District Surguja to Block Shankargarh, District Balrampur.

- 2. The ground of challenge is that the petitioner had undergone a major Neuro operation in the year 2013 on account of an accidental injury. Subsequently, the*

petitioner has been advised not to travel long duration. The second ground of challenge is that the wife of the petitioner is a Govt. employee under the Panchayat Department working at Zila Panchayat Surguja, Ambikapur. Under the circumstances, as far as possible husband and wife should have been retained at the same place as per the transfer policy of the State.

3. *Given the aforesaid facts, let the petitioner make a detailed representation to the respondents within a period of 10 days from the date of receipt of certified copy of this order and the respondents in turn shall consider the same within a further period of 45 days from the date of receipt of the representation.*
4. *Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.*
5. *With the aforesaid observation, the writ petition accordingly stands disposed of."*
6. Learned counsel for the petitioner would submit thereafter the petitioner made a representation to the Grievance Redressal Committee, however, instead of deciding the same by the Grievance Redressal Committee, the same has been decided by the Deputy Director, Agriculture, Ambikapur. Therefore, the direction may be given that the representation of the petitioner may be decided by the Grievance Redressal Committee.
7. Perusal of the earlier order would show that prayer was made to get the representation decided by the then respondents who arrayed in WPS No.7025 of 2019. Pursuant thereto, the Court thereafter has ordered that if the petitioner makes a representation to the respondents then that shall be decided within specified time. The petitioner instead of filing the representation in terms of the order has filed an application before the Grievance Redressal Committee i.e. Annexure P-8 and the same has been dismissed by the Deputy Director, Agriculture, by Annexure P-1.

Earlier the order passed by this Court pertains to the representation to be decided by the respondents Agriculture Department. During the course of argument, having specific query was made how long the petitioner is posted at Ambikapur, it is contended that the petitioner is posted since 2013. It is already 7 years have passed. The transfer being the incident of service, it is the State Government which would decide whether the particular person has to be placed or posted. Unless and until the transfer shock the conscience of Court for any reason of illegality or arbitrariness, normally the interference of the Court is not called for unless facts are shown otherwise. In view of this, I do not find any merit in this case to reconsider. Accordingly, the petition is dismissed. However, the petitioner shall be at liberty to pursue his representation which is filed before the Grievance Redressal Committee.

Sd/-
(Goutam Bhaduri)
Judge