

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1522 of 2020**

Jayant Kumar Nishad, S/o. Shri Bihari Lal Nishad, Aged About 34 Years, Working As Rural Agriculture Extension Officer At Office Of Senior Agriculture Development Officer, Dhamtari, District Dhamtari Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Agriculture Development And Formar Welfare And Bio Technology Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur Chhattisgarh.
2. Dy. Director Agriculture, Dhamtari, District Dhamtari Chhattisgarh.
3. Sub Divisional Officer, Dhamtari, District Dhamtari Chhattisgarh.
4. Senior Agriculture Development Officer, Block Dhamtari, District Dhamtari Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. Somkant Verma, Advocate

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

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

04.03.2020

1. The grievance of the petitioner is that the petitioner was initially transferred on 14.08.2017 from Dhamtari to the Office of Senior Agriculture Development Officer, Block Bastanar, District Jagdalpur. Against such transfer, the petitioner made a representation which was pending and in the meanwhile the petitioner went to join to the place of transfer at Jagdalpur, however, he was not allowed to join at Jagdalpur by letter dated 27.07.2018 (Annexure P-5) on the ground that the post on which the petitioner has been transferred is not vacant. Consequently, the petitioner came back and joined his earlier place of

posting at Dhamtari on 30.07.2018 and till date he is working there. It is contended that now the order has been passed again by the Sub Divisional Officer, Agriculture, Dhamtari by Annexure P-1 dated 18.02.2020 wherein the petitioner has again been relieved to join to the Office of Senior Agriculture Development Officer, Block Bastanar, District Jagdalpur.

2. Learned counsel for the petitioner submits that as on date, the averments have been made at para 9.4 wherein the position exists that in the available set-up of R.A.E.O. at Block Bastanar, post of R.A.E.O. are in excess and post to which petitioner is transferred is not vacant, which was existing earlier. He submits that the same facts also been supported by an affidavit, therefore, the similar position would be repeated and the petitioner cannot join the place of transfer at Jagdalpur as earlier he was also not allowed to join and as such he came back.
3. Considering the averments made in the petition and documents filed alongwith the petition which shows that in earlier occasion when the petitioner went to join at Senior Agriculture Development Office at Jagdalpur, he could not join as the post was not vacant. At present, the petitioner again been relieved to join by order dated 18.02.2020 by the Sub Divisional Officer, Agriculture, Dhamtari, in compliance of the earlier transfer order. If the post is not vacant at place of transfer, no purpose would be served if the petitioner again goes to join the place of transfer and comes back with an endorsement that the post is not vacant. Under the circumstances, the petitioner is given liberty to make a detailed representation to the Sub Divisional Officer, Agriculture, Dhamtari, who had passed the order Annexure P-1, within a period of three weeks and the Sub Divisional Officer, Dhamtari, thereafter shall

pass the suitable orders after verification of facts within a further period of 45 days. Till then, the order dated 18.02.2020 (Annexure P-1) shall not be given effect to.

4. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
(Goutam Bhaduri)
Judge**

ashok