

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2098 of 2020**

Jawahar Lal Bhatpahare S/o Chetak Lal Bhatpahare Aged About 37 Years
Occupation - Patwari, Resident Of Lokantry Vihar, S.E.C.L., Bilaspur, District
- Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Of Revenue Ministry, Mahanadi Bhawan, Nava Raipur, Chhattisgarh. Pin 492002
2. The District Collector, District Bilaspur, Bilaspur Chhattisgarh. Pin 495001
3. The District Collector, District Gaurela-Pendra-Marwahi, Pendra Road Chhattisgarh Pin 495118.

---- **Respondents**

For Petitioner : Mr. Sandeep Dubey, Advocate

For Respondents/State : Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri**ORDER****11.06.2020**

Heard

1. The petitioner who is working as Patwari was transferred from Patwari Halka No.6, Beltara to Patwari Halka No.22, Ratga, Marwahi and at that time it was unified district. Subsequently, the petitioner could not join because of medical problem and when he wanted to join at Marwahi by the time a separate district was carved out from Bilaspur which is Gaurela-Pendra-Marwahi; therefore, the petitioner as of now is not allowed to join at the newly formed district Marwahi. It is contended under the circumstances the petitioner made an application to the Collector Bilaspur to cancel his transfer and or may seek instructions from the Secretary, Revenue and may be posted within the district.
2. Perused the documents. It appears that after the petitioner was transferred,

he could not join at the place of transfer at Marwahi which falls within Pendra and in the meanwhile when he wanted to join a new district carved out, therefore, the anomaly. The document Annexure P-4 which has been filed by the petitioner would show that the application has been filed before the Collector, Bilaspur to cancel his transfer or pass suitable orders.

3. On the other hand, learned State counsel submits that he will seek instructions as to what is to be done under these circumstances as new district is carved out.
4. Taking into facts and peculiar circumstances that in between the period of joining and the date of transfer because of medical ailment the petitioner could not join at the transferred place, subsequently a new district Pendra is carved out which was earlier was within the district Bilaspur. Under the circumstances, since prima facie no fault can be attributed to the petitioner, without any observation on merit, it is directed that the Collector Bilaspur, shall decide the representation of the petitioner Annexure P-4 within a period of 90 days from the date of receipt of a copy of this order so that petitioner may be placed at suitable place.
5. In view of the above, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Ashok