

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2223 of 2020**

- Manoj Joshi S/o Late Chandrakant Joshi Aged About 57 Years Posted As Asstt. Superintendent Of Land Record, At O/o The Collector, District Durg Chhattisgarh. R/o 220, Sunder Nagar, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mantralay, Mahanadi Bhawan, Naya Raipur Chhattisgarh

---- Respondent

For Petitioner : Shri R.K. Kesharwani, Advocate

For Respondent/State : Shri Amrito Das, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****18/06/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was initially transferred to Korea by order dated 31.07.2018 since petitioner's father who is an old aged person is completely dependent and is bedridden could not perform his own job as such the petitioner could not move to Korea, which resulted into his suspension. He would further submit that the said transfer order was challenged before this Court in WPS No.5092 of 2018, wherein this Court on 21.08.2018 has ordered to file the representation. Pursuant to the order passed

in the writ petition the petitioner filed a representation and the same was rejected by order dated 29.09.2018 and the initial transfer to Korea was affirmed and in the meanwhile since the petitioner was suspended by order dated 02.11.2018 for not joining at Korea, he did not join at Korea. He would further submit that eventually the order of suspension was revoked by order dated 28th of May, 2020. He would further submit that this petition is only for seeking redressal on the humanitarian ground that the father of the petitioner is bedridden and cannot perform his daily activities without the help and the petitioner is unmarried and his father is completely dependent on him. He would further submit that during the lock-down period in the prevailing pandemic situation he is not able to carry his father to different place, therefore, the case of the petitioner may be considered sympathetically on the humanitarian ground and the petitioner may be posted at nearby place wherefrom the petitioner may be able to serve his ailing father who is bedridden. Learned counsel for the petitioner would further submit that the initial transfer of the petitioner to Korea was made at the behest of the Election Commission and the cause has disappeared as of now, therefore, such transfer can always be reconsidered in the facts of this case.

3. Per contra learned State counsel opposes the arguments.
4. Perused the documents. The factum of suspension, revocation and transfer to Korea are not in dispute. It is only on the humanitarian ground the petitioner seeks to be considered for the reason his father is bedridden and is aged more than 82 years. Annexure P-4 which is a medical document dated 12.02.2015

would show that Chandra Kant Joshi aged about 82 years is certified to be bedridden & can't perform his daily activity without any help and document would show the father of the petitioner is not able to sign any official document which is shown for the condition & poor performance status.

5. Considering the fact that the petitioner is said to be unmarried and the father is dependent on him, the petitioner is given liberty to make further representation along with the medical documents and copy of this order before the Secretary, Department of Revenue and Disaster Management within a period of three weeks from today and on such representation being filed, the said authority shall decide the representation of the petitioner within a period of 45 days from the date of receipt of the representation keeping in view that the initial transfer was made at the behest of the Election Commission and the posting of the petitioner may be reconsidered taking into the medical documents of the aged ailing father of the petitioner. It is made clear that this order will not be treated as a precedent in other cases.
6. Till the representation of the petitioner is decided, the petitioner shall not be forced to join at the transferred place at Korea.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge