

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3153 of 2020

- Sanjay Jaiswal S/o Shri Naval Kishore Jaiswal Aged About 54 Years By Occupation Forester, R/o Ward No. 16, Tulsipur, District Rajnandgaon At Present Van Parisar, Uttar Bortalav, Range Assistant Katema, Tahsil Khairagarh, District Rajnangaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Forest Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Chief Conservator Of Forest Durg Circle, Durg Chhattisgarh.,
3. Divisional Forest Officer Khairagarh, Forest Division Khairagarh, District Rajnandgaon Chhattisgarh.,
4. Rajendra Shrivastava Forester, Kashthagar Acholi, Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.09.2020

1. Heard
2. Learned counsel for the petitioner submits that the petitioner was transferred on 23.08.2019 from Range North Bortalav, Forest Division Khairagarh to Range Assistant Katema Forest Division Khairagarh by the State/ respondent No. 1. Thereafter, again on

27.07.2020 (Annexure P/3) the petitioner has been transferred by the Divisional Forest Officer i.e. respondent No. 3 from Range Assistant Katema to Kashthagar Acholi which is 40 km away and which would amount to interference by the order passed by the respondent No. 1/ State. He further submits that the transfer has been affected within a period of one year and the Divisional Forest Officer i.e. respondent No. 3 does not hold the power to transfer the petitioner.

3. Learned State counsel, on the earlier occasion, was directed to seek instructions and it is directed that the instructions are still awaited however, it is submitted that the Divisional Forest Officer, who is the appointing authority has all the powers to transfer the petitioner and the place of transfer is only 40 kms away.
4. Perused the transfer order dated 23.08.2019 (Anneuxre P/1) passed by the respondent No. 1/ State whereby the petitioner was placed in the Range Assistant Katema which falls under Khairagarh and by the impugned order dated 27.07.2020 (Annexure P/3) the petitioner has again been transferred from Range Assistant Katema to Kashthagar Acholi which is said to be and is 40 kms away. Considering the fact that the earlier transfer was made on 23.08.2019 and within a short span of one year the petitioner again been transferred, it is directed that the petitioner is given liberty to file a representation against his transfer before the respondent No. 2 within a period of three weeks and if such representation is filed, the same shall be decided within a further

period of 45 days from the date of receipt of such representation.

Until the said representation is decided, the order dated 27.07.2020 shall not be given effect to.

5. With the aforesaid directions/ observations, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Vishakha