

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4187 of 2020**

- Janki Sharan Kushwaha S/o Ram Narayan Kushwaha Aged About 37 Years Posted As Food Inspector At Kabirdham, District Kabirdham, Chhattisgarh ----- **Petitioner**

Versus

- State of Chhattisgarh through the Principal Secretary Food And Public Distribution And Consumer Protection Department, Mahanadi Bhawan, New Raipur, Chhattisgarh
- The Collector Kabirdham District Kabirdham, CG.----- **Respondents**

For Petitioner	:	Mr. Rakesh Pandey and Mr. Varunendra Mishra, Advocates
For State	:	Ms. Akankshan Jain, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order****20-10-2020**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner who is working on the post of Food Inspector, was transferred from Kabirdham to Surajpur by order dated 10-10-2019 (Annexure P/1). However, the petitioner was not relieved by the Collector and after lapse of more than one year, another order dated 16-9-2020 was passed vide Annexure P/2 whereby the petitioner has been directed to join at the place of transfer at Surajpur. He would further submit that the said transfer would be against the Clause 2.4 of policy dated 27-5-2020 and during pandemic period this order

cannot be implemented.

3. *Per contra*, learned State counsel opposes the arguments advanced by learned counsel for the petitioner and would submit that the petitioner is working at Kabirdham since 2013 and order dated 16-9-2020 (Annexure P/2) is only a relieving order and the petitioner was earlier transferred by order dated 10-10-2019 (Annexure P/1).
4. Perusal of the order dated 16-9-2020 (Annexure P/2) would show that certain officers were directed to be relieved for the reason that even after transfer, they did not take charge at the place of transfer, pursuant to earlier order dated 10-10-2019 (Annexure P/1), whereby the petitioner was transferred from Kabirdham to Surajpur. Clause 2.4 of transfer policy dated 27-5-2020 would not be applicable to the case of the petitioner for the reason that the petitioner was earlier transferred by order dated 10-10-2019 (Annexure P/1) and since considerable time has passed, as according to the respondent, the petitioner was working at Kabirdham since 2013.
5. In view of the above, I do not find any substance in the case. Accordingly, the petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju