

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No. 4544 of 2020**

1. Sunil Kumar S/o Late Ramdayal Aged About 47 Years Working As X-Ray Technician, At Regional Hospital Kurasia, Chirimiri South Eastern Coalfields Limited, District Koriya Chhattisgarh, R/o Near Radhakrishan Temple, Godripara, Post Kurasia Tahsil Chirimiri, District Koriya Chhattisgarh

---- **Petitioner****Versus**

1. South Eastern Coalfields Limited Through Its Chief Managing Director, Headquarter Seepat Road Bilaspur, District Bilaspur, Chhattisgarh.
2. General Manager South Eastern Coalfields Limited, Chirimiri Area, District Koriya Chhattisgarh.
3. Area Personnel Manager South Eastern Coalfields Limited, Chirimiri Area, District Koriya Chhattisgarh
4. Deputy Regional Manager North Chirimiri- Domanhil District Koriya, Chhattisgarh.
5. Chief Medical Officer Regional Hospital Kurasia, Chirimiri Area, South Eastern Coalfields Limited, District Koriya Chhattisgarh.

---- **Respondents**

For Petitioner : Shri Mateen Siddiqui. Advocate.

For Respondents : Shri Vivek Ranjan Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.11.2020**

1. The challenge in the present writ petition is to orders Annexure P/1 dated 17.04.2020 and Annexure P/2 dated 19.08.2020. Vide the two orders, the petitioner has been transferred/relieved from Chirimiri Area to Johilla Area.
2. The fact of case is that the petitioner was working with the respondents as an X-ray Technician Grade-C and he was posted at Chirimiri Area for quite some time. Vide the order dated 17.04.2020 the petitioner's services have been transferred from Chirimiri area to

Johilla area. Though, an order of transfer was passed but there does not seem to be any relieving order till 29.07.2020 when the petitioner was for the first time relieved.

3. However, subsequently, on a representation made by the petitioner the order was kept in abeyance and now the service of the petitioner again stands relieved vide the order Annexure P/2 dated 19.08.2020. The subsequent relieving order having been passed on 19.08.2020, the petitioner has filed the present writ petition on 19.10.2020 i.e. after more than two months.
4. The contention of the petitioner is that till date the respondents have not acted upon the order of relieving dated 19.08.2020 and still discharging his duty from the Chirimiri Area where he was posted prior to the order of relieving dated 19.08.2020 was passed. Counsel for the petitioner referred to Annexure P/14 which is a representation which the petitioner has made on 09.10.2020 to the respondents. A perusal of Annexure P/14 again would reflect that the said representation was not specifically for reconsideration of the order of transfer or the relieving order that was issued on 17.04.2020 and 19.08.2020.
5. Given the aforesaid factual matrix of the case, without entering into the merits of the claim raised by the petitioner, this Court is of the opinion that since it is only an administrative decision of the respondents transferring the petitioner from one area to another, let the petitioner make a representation in this regard to the authorities who has issued the impugned order of transfer dated 17.04.2020. On

such representation being made, the same be considered on its own merits. While deciding the same, it is expected that respondents shall objectively deal with the contentions that the petitioner shall raise in the representation.

6. Let status quo as it exists today be maintained by the respondents till the representation of the petitioner is decided.
7. The petitioner is directed to ensure that the representation should be made within a period of 7 days from the date of receipt of copy of this order.
8. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**