

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4511 of 2020

Achchhelal Carpenter S/o Late Ramavtar Carpenter Aged About 55 Years
Occupation Service, Posted As Incharge Range Officer At Surajpur
(General) Range Forest Divison Surajpur , District Surajpur Chhattisgarh.

--- Petitioner

Versus

1. State of Chhattisgarh through The Principal Secretary Forest Department ,
Mahanadi Bhawan, New Raipur Chhattisgarh., District : Raipur,
Chhattisgarh
2. The Principal Chief Forest Conservator Chhattisgarh , New Raipur , District
Raipur Chhattisgarh.
3. Divisional Forest Officer Forest Division Surajpur, District Surajpur
Chhattisgarh.
4. Shankar Singh Deputy Ranger , Posted as Incharge Flying Squad , Surajpur
Forest Division , District Surajpur Chhattisgarh. **--- Respondents**

For the Petitioner : Mr. Rakesh Pandey, Advocate

For the State/Respondents : Mrs. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-11-2020

1. Learned counsel for the petitioner would submit that the petitioner was transferred by order dated 21.10.2020 from forest range Surajpur to forest range Dharamjaigarh. Vide Annexure P-1. He would submit that the petitioner has become the victim of frequent transfers. On 30.03.2020 he was initially transferred from Mainpat to Surajpur which was subsequently cancelled vide order Annexure P-3 dated 15.4.2020 and he was placed at Vanmandal Balrampur range Dhamini wherein he took charge on 22.4.2020 vide Annexure P-5. Thereafter that transfer was again cancelled and the petitioner since made an application he was again sent back to Surajpur on 01.06.2020 vide Annexure P-7 and he joined at Surajpur on 30.06.2020. Thereafter the petitioner has again been transferred by the impugned order.
2. Learned counsel for the petitioner would submit that though the word transfer has not been used in the earlier change of moment, however, it

would amount to transfer under Rule 17 of Fundamental Rules as there is a change of headquarters and the petitioner on being posted at different places, the headquarters of the petitioner changed and at last the petitioner joined at Surajpur on 30th June 2020, therefore, within a short span of time, he has been transferred. It is further submitted that in order to displace the petitioner, respondent no.4 has been transferred from Surajpur to Surajpur.

3. Learned State Counsel opposes the submission of the petitioner.
4. Perused the documents Annexure P-2, P-3 and P-4 enclosed with the petition. It appears that the petitioner was initially transferred to Mainpat to Surajpur, thereafter his place of posting was changed to Balrampur. Subsequently from Balrampur, the petitioner was again transferred to Surajpur vide order dated 21.10.2020 and he took the charge at Surajpur on 30.3.2020.
5. Considering the change of place of the petitioner, it appears that the petitioner was subject of frequent transfers as it is apparent from Annexure P-1. Under the circumstances, the petitioner is given liberty to make representation before the competent authority/respondents within a period of 3 weeks from today and on such representation being filed, the same shall be considered and decided within a further period of 45 days.
6. It is further directed that the impugned transfer order dated 21.10.2020 (Annexure P-1) in respect of the petitioner shall not be given effect till the representation of the petitioner is decided.

Sd/-

**GOUTAM BHADURI
JUDGE**