

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10832 of 2019**

- Uday Prasad Tiwari S/o Ram Ratan Tiwari Aged About 51 Years Posted As Range Assistant , Piperkhuti Gorela Range, R/o Pancham Colony, Pendra Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest , Mahanadi Bhawan , Naya Raipur , Raipur Chhattisgarh.
2. Principal Chief Conservator Of Forest Aranya Bhavan, Sector 19, North Block, New Raipur, Atal Nagar, Raipur Chhattisgarh.
3. Divisional Forest Office Marvahi, Pendra Road Chhattisgarh.
4. Rajeev Sisodhiya A/o 48, Posted As Range Assistant, Khanta Marvahi, R/o Forest Colony, Gorela, Pendra Road Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Yogendra Pandey, Advocate
For Respondents/ State	:	Shri Alok Bakshi, Addl A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/01/2020**

1. Heard.
2. The grievance of the petitioner is that the petitioner was initially transferred from Bilaspur to Marvahi forest range. He was posted at Piperkhuti (Gorela Range) as Range Assistant by order dated 31.10.2019 (Annexure P-3). It is contended that Respondent No. 4 namely Rajeev Sisodhiya has also been transferred to Piperkhuti wherein the petitioner is holding the post and only one post exists in Piperkhuti, therefore, two persons cannot be posted at same post.

3. Perused the order dated 31.10.2019, it would show that after transfer to forest Range Marvahi the petitioner was posted at Piperkhuti as Range Assistant thereafter the Respondent No. 4 by order dated 08.11.2019 has also been transferred to same place i.e. at Piperkhuti and since it is stated that only one post of Range Assistant exists in Piperkhuti. According to Rule 12 of Fundamental Rule two or more government servants cannot be posted at same post at the same place and as it is stated that the petitioner is already discharging his duty at Piperkhuti as Range Assistant before Respondent No. 4 was transferred. It is directed that Respondent No. 2 shall pass a suitable order within a period of 60 days from the date receipt of a copy of this order and till the substantial order is passed the petitioner shall not be disturbed from the present place of posting, if he has not been relieved till date.
4. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge