

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 89 of 2020**

- O.P. Meshram S/o Late Noharu Ram Meshram Aged About 60 Years Presently Posted And Working As Agriculture Development Officer, R/o Tulsipur, Rajanandgaon, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary , Department Of Agriculture Development And Biotechnology Department, Mantralaya, Mahanadi Bhawan , Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. Director Agriculture Indrawati Bhawan , Atal Nagar Nawa Raipur , District Raipur Chhattisgarh.
3. H.L. Aneshwari S/o Late Kunjal Lal Aneshwari Aged About 57 Years Occupation Service, Presently Posted And Working As Agriculture Development Officer At Officer Of Assistant Soil Conservation (Agriculture), Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner : Shri Pramod Ramteke, Advocate

For Respondent/ State : Shri Kapil Maini, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/01/2020**

1. Heard.
2. The grievance of the petitioner is that the petitioner was transferred from the office of Soil Conservation (Agriculture) Kabirdham to Office of Assistant Soil Conservation (Agriculture) Rajnandgaon by order dated 22.08.2019, thereafter, he gave his joining on 29.08.2019 (Annexure P-3). It is contended that till date, the petitioner had not been given the charge of the

office by Respondent No. 3.

3. Perusal of records shows that H.L. Aneshwari (Respondent No. 3) on earlier filed WPS No. 6697 of 2019 wherein her transfer was subject of challenge wherein this Court in WPS No. 6697 of 2019 has passed the following orders:-

1. The challenge in the present writ petition is to the order of transfer dated 22.08.2019 transferring the petitioner from Rajnandgaon to Bilaspur.

2. The challenge in the transfer order is on the ground that the impugned order reflects transfer of the petitioner to have been made at the request of the petitioner.

3. According to counsel for the petitioner, the petitioner has never moved any application nor has requested any order of transfer, yet the authorities have shown the order of transfer to have been on its own cost.

4. Given the limited grievance that the petitioner has raised challenging the order of transfer, this Court is of the opinion that subject to verification of the facts whether the petitioner has made a request for transfer, the impugned order so far as the petitioner is concerned, shall not be given effect to. However, in case on verification if it is found that the petitioner has infact made a request, then the impugned order would not stand interfered and the respondents would be at liberty to relieve the petitioner from the present place of

posting. Meanwhile, till the verification is done, the effect and operation of the impugned order, so far as the petitioner is concerned, shall not be given effect to.

5. The present Writ Petition, accordingly stands disposed off.

4. The petitioner appears to have been transferred and is relieved and joined his place of posting i.e. at Rajnandgaon. Therefore, in view of such fact the State is directed to comply with the earlier direction of WPS No. 6697 of 2019 forthwith within a reasonable time. This Court in the writ jurisdiction cannot direct to avail a particular work/job from the particular employee of an institution. However, with respect to the grievance of the petitioner since the petitioner has joined his place of posting pursuant to the transfer order, the application filed by the petitioner Annexure P-4 to give him charge shall be decided within a further period of 30 days from the date of receipt of a copy of this order.

5. With the aforesaid observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge