

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.20 of 2021**

Khadanand Patanwar son of Shri Rampyare Patanwar, aged about 58 years, posted as Patwari at Halka No. 43 Ameri R.I. Circle Sakri Tahsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Department of Revenue, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur, Chhattisgarh.
2. Collector Bilaspur, District Bilaspur, Chhattisgarh.
3. Sub Divisional Officer (Rev.) Kota, District Bilaspur, Chhattisgarh.
4. Dharendra Singh S/o Late Vishnu Singh Sahgal Gali Vidya Nagar, Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri B.K. Chakrabarty Advocate
For State/Respondent	:	Shri Vikram Sharma, Dy. Govt. Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgement on Board****Parth Prateem Sahu, Judge****21/01/2021**

1. Declining interference by the learned Single Judge with the transfer order of appellant dated 28/11/2020 made the appellant to file instant appeal.
2. Facts of the case are that, appellant is working as Patwari at Halka No.43 Ameri, Tahsil Takhatpur prior to passing order dated 28/11/2020 (Annexure P/1). By impugned order (Annexure P/1),

appellant has been transferred from Patwari Halka No.43, Ameri to Patwari Halka No.12, Belpan. Aggrieved by order of transfer dated 28/11/2020 (Annexure P/1), appellant filed Writ Petition (S) No.5371 of 2020 on the ground that he has been transferred within four months of his joining to Patwari Halka No.43, Ameri Tahsil Takhatpur District Bilaspur. The transfer has been affected in the ban period and as per the transfer policy, proceedings for transfer of an employee is to be placed before the Coordinate Committee, but that has not been done and Sub Divisional Officer has passed the order.

3. When the matter came up for consideration, learned Single Judge has passed the following order :

“2. The primary contention of the petitioner is that the petitioner has been transferred four times within a year and therefore the case falls under the category of frequent transfers. The order of transfer has been issued by the Sub-Divisional Officer under whom the petitioner is discharging his duties and it is from one P.H. number to another P.H. number within the same Tehsil and the distance within the two itself is too short a distance.

3. Considering the distance between the two places of posting, this Court does not find any strong case made out calling for an interference with the impugned order of transfer at this stag. The writ petition therefore being devoid order dated merit deserves to be and is accordingly rejected.

4. Reluctant of this Court in entertaining the writ petition would not come in the way of the petitioner to approach the respondents by way of a representation ventilating his grievances in case if they have any personal inconveniences in the course of complying with the order of the transfer dated 28.11.2020.”

4. Shri B.K. Chakrabarty, learned counsel for the appellant submits that learned Single Judge has not considered the transfer of the place of appellant in four different places within a period of one year by change of his headquarters, which amounts to transfer of appellant. He further submits that learned Single Judge has only taken into consideration that transfer of appellant is within the same Tahsil and transferred place is of a short distance, hence, prayer made by appellant has been rejected. In alternate, it is contended that learned Single Judge has given a liberty to appellant for approaching the respondent authorities for ventilating his grievance, but no specific time limit has been fixed directing the respondent authorities for considering and deciding the representation filed by appellant.
5. Shri Vikram Sharma, learned Dy. Govt. Advocate representing the State submits that perusal of order dated 28/11/2020 (Annexure P/1) would show that shifting of appellant is within the same Tahsil and Sub Divisional Officer is having jurisdiction to pass an order of shifting of appellant from one Patwari Halka number to another. The

order has been passed in administrative exigency. There is no infirmity in the order passed by learned Single Judge calling interference. He pointed out that appellant has already been relived from Patwari Halka No.43, Ameri Tahsil Takhatpur.

6. We have heard learned counsel for the respective parties.
7. From the documents placed on record, it appears that appellant was transferred from Patwari Halka No.21, Semra, Tahsil Pendra Raod to Patwari Halka No.2 Khongsara, Tahsil Kota vide order dated 21/10/2019. Thereafter, he has been transferred from Patwari Halka No.2, Khongsara, Tahsil Kota to Patwari Halka No.43, Ameri, Tahsil Takhatpur vide order dated 29/06/2020 and now, by impugned order (Annexure P/1), he has been again transferred from Patwari Halka No.43, Ameri, Tahsil Takhatpur to Patwari Halka No.12, Belpa vide order dated 28/11/2020. It appears that order has been passed by respondent No.3 just within a period of four months from the date of joining of the appellant at Patwari Halka No.43, Ameri, Tahsil Takhatpur.
8. Taking into consideration facts and circumstances of the case as well as submission made by learned counsel for the State that appellant has already been relived which is not controverted by learned counsel for the appellant, we find it appropriate to direct the appellant to file representation raising all his grievances before the competent authority within a period of 10 days along with copy of memo of

appeal. If any representation is filed by the appellant, then competent authority shall decide the same within a further period of three weeks' from the date of receipt of the copy of representation in accordance with law.

9. With the aforesaid observation/direction, appeal stands disposed of.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh