

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 640 of 2021**

1. Kripal Gond S/o Shri Ramdhan Gond Aged About 50 Years  
Currently Posted As Government Park, Podi Lafa, Block  
Pali District Korba Chhattisgarh, R/o Madwa-Mouha, Post Podi  
Tehsil Pali, District Korba Chhattisgarh

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

1. State Of Chhattisgarh Through Secretary, Department Of  
Agriculture Development And Farmer Welfare And Bio-Technology,  
Chhattisgarh Rajya Mantralaya, Mahanadi Bhawan, P. S. Mandir  
Hasaud, Naya Raipur District Raipur Chhattisgarh
2. Directorate Of Forestry Raipur Office At Indravati Bhavan, Second  
Block Fourth Floor, Naya Raipur Chhattisgarh
3. Assistant Directorate Forestry, Office At Iti Rampur, Old S. P. Office,  
Korba District Korba Chhattisgarh

**---- Respondents**


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| For Petitioner | : | Mr. Pallav Mishra, Advocate.  |
| For State      | : | Ms. Hamida Siddiqui, Dy. A.G. |

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****22/02/2021**

1. Present is the second round of litigation. The issue involved in the  
present writ petition is, transferring the service of the petitioner from  
Block Pali, District Korba to District Ambikapur.
2. The petitioner was transferred vide order dated 23.08.2019, the  
order of transfer reflected the petitioner to have been transferred on  
his own request and on his own expenses. The petitioner had  
challenged the same by way of a Writ Petition i.e. WP(S) No.  
7427/2019 and this Court, disposing of the said Writ petition on  
13.09.2019 directed the petitioner to make a representation to the

respondents and the respondents in-turn were directed to decide the same. Till the representation of the petitioner is decided, it was observed that there shall be a stay of the effect and operation of the order of transfer. It is said that the petitioner was not permitted to join at the place from where he was transferred i.e. Block Pali, District Korba and for which he has filed a Contempt Petition i.e. Cont. No. 1008/2020. Upon issuance of notice, the respondent-State said to have immediately complied with the same and permitted the petitioner to join at Pali, District Korba and the Contempt Petition was accordingly disposed of on 06.01.2021.

3. The present writ petition subsequently has now been filed questioning the issuance of order Annexure P/1 dated 04.011.2019, whereby the petitioner has been called upon to provide the details of the steps that he has taken pursuant to the order of transfer and the Writ Petition that he had preferred wherein he had got a stay from the High Court. The order dated 04.11.2019 has now been challenged by the petitioner after a period of more than 14-15 months.
4. The fact which is revealed from the pleadings of the writ petition as also from the submission of the petitioner is that though this Court while disposing of the earlier writ petition i.e. WP(S) No. 7427/2019 had granted 10 days time for the petitioner to move a representation in-respect-of his grievances against the order of transfer but till date there does not seem to be any representation that the petitioner has filed before the authorities concerned for a decision to be taken by the respondents. The petitioner referred to

certain correspondences that have been made by the petitioner to the Department but those were all in-respect-of grant of joining pursuant to the stay granted by this Court.

5. Given the fact that the petitioner has not raised any representation before the authorities right from time the writ petition was originally disposed of on 13.09.2019, this Court is of the opinion that the respondents never had an occasion of taking a decision on the same. That in the process, the interim protection granted by this Court automatically has lost its efficacy and under the circumstances, the respondents would be at liberty to issue an appropriate relieving order to the petitioner enabling him to join at the transfer place in accordance with the order of transfer dated 23.08.2019.
6. Let the respondents take an appropriate step in this regard ensuring the petitioner to be relieved, if the relieving order has till date not been issued beyond a period of 45 days from the date the Writ Petition No. 7427/2019 was disposed of.
7. The writ petition accordingly stands disposed of.

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