

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 49 of 2021**

(Arising out of order dated 08.2.2021 passed by learned Single Judge in WPS No.826/2021)

- Manoj Kumar Banjare S/o Shri Komal Singh Banjare, aged about 33 years, Posted as Chief Executive Officer, Janpad Panchayat, Bhopalpatnam, District- Bijapur (CG)

---- Appellant / Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (CG)
2. The Collector, Bijapur, District- Bijapur (CG)

---- Respondents

For Appellant	:	Mr. Gautam Khetrapal, Advocate
For Respondents	:	Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Shri PR Ramachandra Menon, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order On Board

Per Parth Prateem Sahu, J

19/02/2021

1. Interference declined by the learned Single Judge to interdict the order dated 23.1.2021 passed by respondent No.1 transferring the petitioner/appellant from the post of Chief Executive Officer, Janpad Panchayat, Bhopalpatnam, District Bijapur to the post of Deputy Collector, District Bijapur, is put to challenge in this writ appeal.
2. Learned counsel for petitioner/appellant submits that the learned Single Judge while dismissing writ petition has not taken into consideration the Circular dated 3.6.2015 issued by the State Government formulating policy with respect to

posting of the government employees/officers in scheduled areas. He submits that appellant was appointed as Deputy Collector on 9.2.2017 and posted in Dantewada. On completion of period of about three years, appellant moved an application for his posting in a non-scheduled area, to which no heed was paid and appellant has been transferred and posted in a scheduled area i.e. from Dantewada to Bhopalpatnam. Feeling aggrieved by his transfer, the appellant submitted representation before the Competent Authority seeking posting in a non-scheduled area in terms of the Circular dated 3.6.2015. Instead of considering representation of appellant in the light of Circular dated 3.6.2015, respondent No.1 again transferred the appellant to another scheduled area i.e. Bijapur, which is contrary to the policy framed by the State Government itself.

3. Mr. Ashish Tiwari, learned Government Advocate for the State submits that as per pleadings made in writ petition, it appears that the representation submitted by petitioner/appellant against the transfer order dated 23.1.2021 is pending consideration. He further submits that the learned Single Judge has also granted liberty to petitioner/appellant to pursue his representation which he has made to ventilate his grievance.
4. At this stage, Mr. Khetrapal, learned counsel for appellant submits that the appeal may be disposed of with liberty to appellant to file a fresh representation raising all his grievances in the light of the Circular dated 3.6.2015 and the respondents be directed to decide the representation so filed within stipulated period of time and till then interim protection be granted in favour of appellant.
5. We have heard learned counsel for the parties and perused the record.
6. Taking into consideration the facts and circumstances of case,

in particular the grievance projected by appellant in this appeal, we find it appropriate to dispose of this writ appeal with a direction to the appellant to file a fresh representation along with copy of this order and writ petition before the Competent Authority within a period of ten days from today. If such a representation is submitted by the appellant, the concerned respondent will consider and decide it within a period of three weeks from the date of its receipt in accordance with law. Till the representation submitted by the appellant is decided, *Status Quo* shall be maintained by the parties.

7. Writ appeal accordingly stands disposed of.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-