

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2061 of 2021

1. Pradeep Kumar Nayak S/o Nugran Ram Nayak Aged About 37 Years Presently Posted And Working As Patwari PH No. 16, Bansbahar, Tahsil Kansabel, District Jashpur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar District Raipur Chhattisgarh.
2. Collector Jashpur, District Jashpur Chhattisgarh.
3. Sub Divisional Officer (Revenue) Bagicha, District Jashpur Chhattisgarh.
4. Sunil Kujur Patwari PH No. 4, Bansbahar, Tahsil Kansabel, District Jashpur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Apurv Panda, Advocate.
For Respondent State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.06.2021

1. Challenge in the present writ petition seems to be the action on the part of the respondent No.2 dated 08.03.2021 whereby the authorities concerned have cancelled the earlier order of transfer dated 26.11.2020.
2. The only ground of challenge to the cancellation of the transfer order is that the cancellation order does not give any reason or ground which has led to the issuance of the impugned order. It is also contended that on the earlier occasion the respondent No.4 was transferred taking into consideration large number of complaints against the said person and ignoring all these facts the impugned order has been passed.
3. In the opinion of this court both the grounds would not be sufficient and strong enough to challenge the impugned order. It is only an order of cancellation of earlier order of transfer. The order is purely an administrative decision dealing with the issue of deciding place of posting of a particular person who has made representation to the authorities seeking for cancellation of order of transfer. The authorities on going

through the contentions thought it proper that the order of transfer deserves to be cancelled and they have accordingly cancelled the same. Exercising power of writ jurisdiction this court now cannot threadbare conduct a roving enquiry or go into the merits of the decision in cancelling the order of transfer dated 26.11.2020. The same is purely administrative and discretionary powers vested with the respondents which cannot be subjected to a judicial review.

4. In the given facts and circumstances of the case and also taking into consideration the grounds on which the challenge has been made, if at all if the petitioner has any grievance in respect of impugned order, being an employee of the department the petitioner also is at liberty to make a representation to the higher authorities in the department ventilating his grievances and if required, the petitioner herein also can seek for an appropriate change of place of posting from the authorities concerned.
5. Reserving the right of the petitioner for approaching the authorities on the administrative side by making a suitable representation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge