

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2136 of 2020**

Nilesh Kumar Kesharwani S/o Jeet Ram Kesharwani Aged About 39 Years  
Working As Computer Operator, Municipal Corporation, Bilaspur, District  
Bilaspur, Chhattisgarh

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

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur, Chhattisgarh
2. Commissioner Municipal Corporation Bilaspur, District Bilaspur, Chhattisgarh

**----Respondents**


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|----------------|---|--------------------------------|
| For Petitioner | : | Mr. C. Jayant K. Rao, Advocate |
| For State      | : | Ms. Akanksha Jain, Dy. G.A.    |

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**26/08/2021**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 27.02.2020 whereby the representation of the petitioner against the order of transfer dated 31.08.2019 has been rejected.
2. Present is a second round of litigation. The earlier round of litigation was WPS No.7215/2019, which was disposed of on 06.09.2019. This Court while granting interim protection to the petitioner had permitted him to make a representation which now stands rejected.
3. The learned counsel for the petitioner today submits that subsequent to the rejection of the representation, the petitioner has been relieved and he has immediately joined at the transferred place i.e. at Municipal Corporation, Jagdalpur and for last more than two years he

has been working at Municipal Corporation, Jagdalpur and as such the order stands fully complied with.

4. The contention of the petitioner is that now he has worked at Jagdalpur for a period of two years and that his entire family resides at Bilaspur. If only the respondent authorities could transferring him again to Bilaspur or in around Bilaspur at any other nearby place. Though the petitioner has challenged the order of transfer on the ground that the transfer has been in fact made during the ban period. Since the legal position as it stands so far as an order of transfer is concerned, this Court does not find any strong case calling for any interference with the impugned order, however considering the personal inconvenience that the petitioner has, the petitioner would in the light of the efflux of time having passed be permitted to make a fresh representation to the respondent No.1 for seeking a fresh transfer from Jagdalpur to any place either at Bilaspur or any nearby place.
5. Subject to the petitioner making such representation, the respondent authorities are expected to take a decision on the representation of the petitioner on its own merits and take an appropriate decision at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed of.

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

*Ved*