

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3013 of 2021

1. Ravi Shankar Shori S/o Late Shri Lekhen Shori Aged About 55 Years Currently Holding The Post of District Inspector, Office of Legal Metrology, Jagdalpur, District Bastar, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh (Through Secretary, Department of Food, Civil Supplies and Consumer Protection), Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Legal Metrology Department - State Office (Through Controller) Indrawati Bhawan, Block-B, 3rd Floor, Naya Raipur, District Raipur, Chhattisgarh.
3. Legal Metrology Department - Division Office, Jagdalpur (Through Assistant Controller), Chitrkot Road, Dharampura No.-2, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Pankaj Singh, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.06.2021

1. Aggrieved by the inaction on the part of the respondents in not relieving the petitioner inspite of petitioner being transferred vide order dated 25.03.2021, the present writ petition has been filed.
2. The petitioner is presently posted as District Inspector in the office of Legal Meteorology, Jagdalpur, District Bastar. Vide order dated 25.03.2021 the petitioner has been transferred from Jagdalpur to District Balod. Though more than three months have passed, till date the petitioner has not been relieved which has led to the filing of present writ petition.
3. The counsel for the petitioner submits that as per instructions received, the said order dated 25.03.2021 till date has not been modified, cancelled or amended in any manner so far as petitioner is concerned or at least the petitioner has not been intimated in this regard, if any such order has been passed. According to petitioner the present writ petition can be disposed

of in the light of decision rendered by this High Court in case of Manisha Agrawal Vs. State of Chhattisgarh & Others, 2015 (4) CGLJ 182.

4. The State counsel on the other hand submits that perhaps non relieving would be on account of no reliever being available upon whom the petitioner could hand over the charge which also is one of the requirement for compliance of the order of transfer for the persons posted in the scheduled or core scheduled areas.
5. Be that as it may, reiterating the legal position as has been laid down in case of Manisha Agrawal (Supra) which till date holds good, indisputably there is an order transferring the petitioner from Jagdalpur to Balod. The said order, if the contentions of the petitioner is to be believed, till date has not been modified, amended or cancelled. Under the circumstances, the order passed by the respondents on the administrative side taking into consideration administrative exigency is required to be followed or complied with in its letter and spirit. The order of transfer cannot be presumed to become redundant only on account of respondents not relieving the petitioner.
6. Given the said facts, the writ petition at this juncture stands disposed of directing the respondents under whom the petitioner is working to ensure that appropriate steps is taken at the earliest for compliance of the order of transfer in its letter and spirit so far as petitioner is concerned. Let appropriate decision on the administrative side be taken at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge