

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3204 of 2021**

Dwarika Ram Rawte S/o Shri Raghunath Rawte, Aged About 51 Years,
Inspector, Posted At District Panchayat Balod, District Balod
Chhattisgarh R/o E. G. M. 113, Atal Vihar, District Balod, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Gramodyog Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur, Chhattisgarh
2. Managing Director, Chhattisgarh Khadi Tatha Gramodyog Board, Raipur, Gandhi Bhawan, Keyur Bhushan Samriti Parisar, Kankalipara, Raipur, District Raipur, Chhattisgarh, Public Educational Secretariat, Indrawati Bhawan, Naya Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Meena Shastri , Advocate
For State/Respondent no.1	:	Mr. R. S. Patel, Advocate
For Respondent no.2	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.06.2021**

1. The present writ petition has been filed questioning the veracity of the order dated 05.06.2021 (Annexure P-1) whereby the petitioner has been ordered to take the Additional charge of Zila Panchayat, Rajnandgaon.
2. The facts of the case are that the petitioner is working under the respondent no.2 as an Inspector. The petitioner initially was transferred from district Kawardha to district Rajnandgaon vide order dated 01.02.2021. Later on, there was a change of the place of posting

of the petitioner and he was shifted from district Rajnandgaon to district Balod vide order dated 25.02.2021. Both these orders have been duly complied with by the petitioner. Subsequently, now the impugned order has been passed conferring the petitioner with the additional charge of the district Rajnandgaon as well.

3. The challenge has been made primarily on the ground that the petitioner has been subjected to frequent transfer as would be revealed from the aforesaid three orders. Moreover, the contention of the petitioner is that there is already another officer of the rank of Inspector available at district Rajnandgaon, therefore, there was no administrative exigency for granting the additional charge charge to the petitioner.
4. On advance instruction counsel appearing for the respondent no.2 referring to the impugned order Annexure P-1 submits that in fact it is not an order of transfer but it is only a grant of additional charge to the petitioner under the administrative exigency. According to the counsel for the respondent no.2, there is no change of the substantive place of posting of the petitioner as he continues as an Inspector of district Balod under the respondent no.2 and he has been given only the additional charge of district Rajnandgaon. The said granting of the additional charge to the petitioner arose on account of certain administrative exigency that arose in the office of the respondents at Rajnandgaon.
5. Given the said submissions by the counsel for the parties, more particularly the submissions made by the counsel for the respondent no.2 and what is reflected from the impugned order Annexure P-1 is that there does not seem to be any change of place of posting of the

petitioner and that the substantive place of posting of the petitioner remains at district Balod. However, the petitioner has been given an additional charge for district Rajnandgaon which is only a temporary arrangement which has been made. Since it is only awarding of an additional charge to the petitioner without any change of substantial place of posting, there is hardly any scope of interference for this Court to invoke the writ jurisdiction under Article 226 of the Constitution of India.

6. In case the petitioner faces any difficulty on the administrative side discharging the additional charge, he would be at liberty to approach the respondent no.2 for ventilating his grievance. In case any such representation is made, the respondent authorities shall consider the same on its own merits after due appreciation of the rules, regulations and the policies governing the field and also taking into consideration the administrative exigency that arises, at the earliest preferably within a period of 45 days from the date of receipt of the representation of the petitioner.
7. The writ petition accordingly stands disposed of.

Sd/-

**P. Sam Koshy
Judge**