

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 3473 OF 2021**

Jeevan Singh Kanwar, S/o Ramphal Kanwar, aged about 41 years, currently holding the post of District Inspector, Office of Legal Metrology Kanker, District Kanker (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Food, Civil Supplies and Consumer Protection, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur (CG)
2. Legal Metrology Department State Office, through Controller, Indravati Bhawan, Block-3, 3rd Floor, Naya Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Pankaj Singh, Advocate.
For Respondents	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/07/2021**

1. Aggrieved by the inaction on the part of the Respondents in not relieving the Petitioner in spite of he being transferred vide order dated 25.3.2021, the present Writ Petition has been filed by Petitioner.
2. Petitioner is presently posted as District Inspector in the office of the Legal Meteorology, Kanker, District Kanker. Vide order dated 25.3.2021, the Petitioner has been transferred from District Kanker to District Bemetara. 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. Learned Counsel for Petitioner submits that as per instructions received, the said order dated 25.3.2021 till date has not been modified, cancelled or amended in any manner so far as the Petitioner is concerned or at-least the Petitioner has not been intimated in this regard if any such order has been passed. According to learned Counsel for Petitioner, the present Writ Petition can be disposed of in the light of the decision rendered by this High Court in the case of "Manisha Agrawal Vs. State of Chhattisgarh & Others", 2015 (4) CGLJ 182.

4. Learned Counsel for State submits that, may be on account of administrative exigencies that have developed after the issuance of the impugned order of transfer, the Petitioner may not have been relieved and which is well within the domain of the State Government.

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, undisputedly, there is an order transferring the Petitioner from Kanker to Bemetara. The said order, if the contentions of the Petitioner is to be believed, till date has not been modified, amended or cancelled.

6. 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.

7. Given the said facts, the present Writ Petition at this juncture is 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 an 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.

8. Writ Petition accordingly stands disposed of.

sharad

Sd/-
(P. Sam Koshy)
JUDGE