

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4761 OF 2021**

- Indra Kumar Painkara, S/o Late Shri Mansa Ram Painkara, aged about 46 years, occupation Patwari, Tahsil Office Baloda Bazar, District Balodabazar Bhatapara (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Atal Nagar, District Raipur (CG)
2. Collector, Balodabazar-Bhatapara, District Balodabazar-Bhatapara (CG) **... Respondents**

For Petitioner	:	Ms. Deepali Pandey, Advocate.
For Respondents	:	Mr. Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[08/09/2021]**

1. Aggrieved by the inaction on the part of Respondents in not relieving the Petitioner in spite of being transferred vide Order dated 6.3.2021, the present Writ Petition has been filed by Petitioner.
2. Petitioner is presently posted as Patwari at Tahsil Office Balodabazar, District Balodabazar-Bhatapara. Vide Order dated 6.3.2021, he has been transferred from Tahsil Office Balodabazar to Collector, Land Records Branch, District Mahasamund. Though more than two months have passed after the Petitioner submitted his application for relieving but he has not been relieved till date, which has led to the filing of present Petition.
3. Learned Counsel for Petitioner submits that as per instructions received, the said order dated 6.3.2021 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 case of “Manisha Agrawal Vs. State of Chhattisgarh & Others [2015 (4) CGLJ 182].

4. Learned State Counsel on the other hand submits that perhaps the non-relieving of Petitioner would be on account of no reliever being available upon whom the Petitioner could hand over the charge which also is one of the requirements 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 Tahsil Office Balodabazar to Collector, Land Records Branch, District Mahasamund. The said Order, if the contentions of learned Counsel for Petitioner is to be believed, till date has not been modified, amended or cancelled. Under the circumstances, the Order passed by 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 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.

7. Let an appropriate decision on the administrative side be taken by Respondents, 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.

Sd/-
(P. Sam Koshy)
Judge