

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7004 of 2021**

- Naresh Nayak S/o Shri Data Ram Nayak, Aged About 46 Years Occupation Service, Presently Posted As Regional Assistant In Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit Korba, R/o. House No. 318 Ward No. 29 Adrsh Nagar Korba, District Korba (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Co-Operative Department, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. Managing Director, Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit (MARKFED) Atal Nagar Naya Raipur, District Raipur Chhattisgarh.
3. District Vipnan Officer Korba, District Korba (Chhattisgarh).

---- Respondents

For Petitioner :- Mr. Samir Singh, Advocate.
For State/Respondent No. 1 :- Mr. Ravi Bhagat, Dy. G.A.
For Respondents No. 2 & 3 :- Mr. Chetan Singh Chouha, Advocate
on behalf of Mr. Ashish Surana, Advocate.

S.B. Hon'ble Shri Parth Prateem Sahu, Judge**Order on Board****27/12/2021**

1. Learned counsel for the petitioner would submit that petitioner is posted as Regional Assistant in the office of

Respondent No.3 since 26.02.2019. Earlier petitioner was posted at District Office, Surajpur. Petitioner's wife is also a Government servant and working as Class-IV employee in the District Office, Korba, therefore, he moved an application for his transfer and posting in Korba. Application submitted by petitioner was considered by the Competent Authority along with other persons and petitioner was transferred from District Office, Surajpur to District Office, Korba on 26.02.2019. Transfer order of petitioner has been issued on 24.11.2021 from District Office, Korba to Paddy Procurement Center, Ghotiya, District Rajnangaon, which is about 300 km away from the present place of posting. Learned counsel for the petitioner would also submit that the impugned transfer order is contrary to the transfer policy issued by the State Government. Aggrieved by the order of transfer passed by respondent No.2, petitioner submitted representation on 29.11.2021 which has not been decided yet and pending consideration before respondent No.2. It is contended that petitioner may be permitted to continue at his present place of posting till decision of his posting of his representation (Annexure P/4) by the Competent Authority.

2. Mr. Chetan Singh Chouhan, learned counsel for respondents No.2 & 3, would submit that petitioner has already completed the period of consideration for his transfer from one place to another place and the impugned

order of transfer would reflect that transfer of petitioner is on administrative ground. It is also submitted that in the order itself it is mentioned that the order of transfer will come into force with immediate effect, therefore, petitioner is not entitled for any interim relief, as sought for.

3. In view of submissions made by learned counsel for the parties, considering the facts and circumstances of instant case, the fact that petitioner has already made representation dated 29.11.2021 (Annexure P/4) before respondent No.2, who issued order of transfer, which has not been decided yet, respondent No.2 is directed to consider and decide petitioner's representation dated 29.11.2021 (Annexure P/4) within a period of two weeks from the date of receipt of copy of this order. Petitioner is directed to enclose copy of representation (Annexure P/4) along with copy of this order. Till then status quo as it exists today with respect to posting of petitioner, shall be maintained.
4. In view of above, the instant petition is disposed off with the aforesaid direction.

Sd/-
(Parth Prateem Sahu)
Vacation Judge