

**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 875 of 2023**

Santosh Kumar Soni S/o Late Rekhanlal Soni Aged About 49 Years
Patwari P.H. No.38 Head Village Nandgaon, R.N.M. Barondabazar
Tahsil Mahasamund, District Mahasamund Residence Of Ward No.2
Imlibhata Near Sen Bhawan, District : Mahasamund, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralay Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh
2. The Collector District Mahasamund, Chhattisgarh.
3. The Sub Divisional Officer (Revenue) Mahasamund, District : Mahasamund, Chhattisgarh
4. The Tahsildar Mahasamund, District : Mahasamund, Chhattisgarh
5. Dinesh Pradhan, Patwari, Through Tahsildar Mahasamund, District : Mahasamund, Chhattisgarh

---- **Respondents**

For Petitioner : Mr. Santosh Kumar Pandey, Advocate
For Respondents/State : Mr. Kashif Shakeel, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

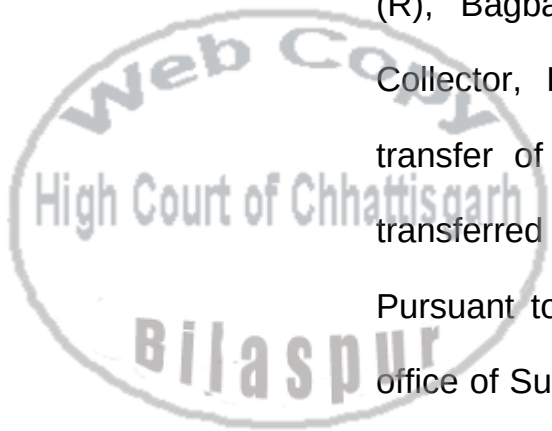
30/01/2023

1. Challenge in this petition is to the order of place of posting of



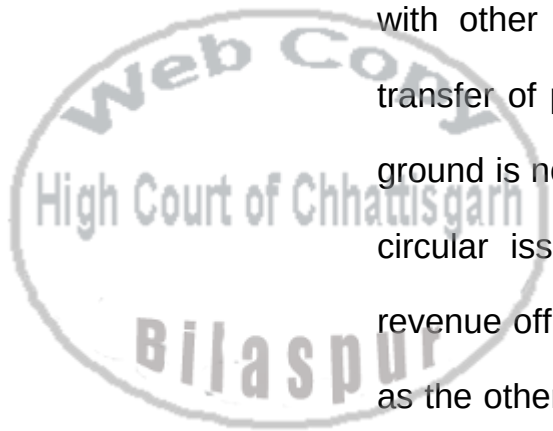
petitioner vide order dated 20.01.2023, whereby petitioner has been posted at P.C. No.29, Head Office -Koundkera, R.I. Circle Tumgaon.

2. Learned counsel for petitioner submits that petitioner is victim of frequent transfer. Transfer of petitioner is during ban period according to transfer policy, 2022 formulated by State Government. Mother of petitioner is aged about 80 years and petitioner is only person to take care of her. He also pointed out that petitioner was initially transferred from one Patwari Circle to another vide order dated 17.11.2022 by Sub-Divisional Officer (R), Bagbahara, District -Mahasamund. On very next day, Collector, District – Mahasamund has also issued order of transfer of petitioner along with two other and he has been transferred from Tahsil – Bagbahara to Tahsil Mahasamund. Pursuant to order of transfer, petitioner gave his joining in the office of Sub-Divisional Officer, Mahasamund and he was posted at P.C. No.38 Head Quarter Nandgaon, R.I. Circle Barondabazar. Pursuant to the order dated 08.12.2022, petitioner took charge of P.C. No.38 on 13.12.2022 and within a period of less than one month place of posting of petitioner is again changed. He contended that change of place of posting of petitioner by respondent No.3 is arbitrary exercise of power. Transfer of petitioner is only to accommodate respondent No.5 in place of petitioner. Till date, petitioner has not been relieved from his present place of posting. Therefore, impugned order of transfer be interdicted.





3. Learned State counsel opposing the submission of learned counsel for petitioner would submit that order dated 20.01.2023 is not a transfer order but is posting of petitioner and other Patwaris under work distribution. Therefore, petitioner is having no case to interdict the place of posting of petitioner under work distribution.
4. I have heard learned counsel for parties and perused the documents available in record.
5. Grievance of petitioner is with regard to change of place of posting of petitioner only to accommodate respondent No.5 along with other grounds. So far as the grounds of petitioner that transfer of petitioner is during ban period is concerned, the said ground is not tenable because the State Government pursuant to circular issued in the year 2014 has stated that transfer of revenue officer will not be governed by the transfer policy. So far as the other grounds raised by learned counsel for petitioner that petitioner has been shifted and his place of posting has been changed only to accommodate respondent No.5 is concerned from the documents placed on record at Page No.18 would show that Collector has transferred respondent No.5 on 02.01.2023 on administrative ground in the office of respondent No.3. Respondent No.3 instead of posting respondent No.5 at new place, shifted petitioner who has joined the present place of posting only on 13.12.2022 and posted respondent No.5 in place of petitioner.
6. In the aforementioned facts of the case, this petition is disposed





off at this stage instead of keeping this petition pending and taking reply from the State, directing petitioner to submit representation before the respondent No.2 within a period of two weeks and if such representation is submitted, respondent No.2 shall consider and decide the same expeditiously preferably within a period of three weeks from the date of receipt of representation in accordance with law.

7. Till the decision on representation, status quo as it exists today with respect to place of posting of petitioner shall be maintained.
8. Accordingly, this petition is disposed off with aforesaid observations and directions.

C.C. as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

