

**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 1086 of 2023**

Ramsingh Bharti S/o Late Shri Sati Prasad Bharti Aged About 56 Years  
Occupation - Service, Presently Posted As Driver Chhattisgarh  
Antyavasai Sahakari Vitta Evum Vikas Nigam Raigarh, District :  
Raigarh, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Managing Director,  
Chhattisgarh Antyavasai Sahakari Vitta Evum Vikas Nigam  
Raigarh, Sector 24 Scheduled Caste Research And Training  
Institute, Second Floor Naya Raipur, Atal Nagar, District : Raipur,  
Chhattisgarh
2. Managing Director Chhattisgarh Antyavasai Sahakari Vitta Evum  
Vikas Nigam Raigarh, Sector 24 Scheduled Caste Research And  
Training Institute, Second Floor Naya Raipur, Atal Nagar,  
District : Raipur, Chhattisgarh
3. Collector Cum President District Antyavasai Sahakari Vitta Evum  
Vikas Samiti Raigarh, District : Raigarh, Chhattisgarh
4. Executive Officer District Antyavasai Sahakari Vitta Evum Vikas  
Samiti Raigarh, District : Raigarh, Chhattisgarh

---- **Respondents**

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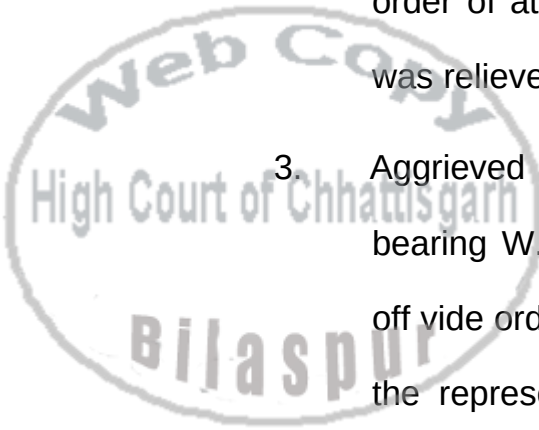
For Petitioner : Mr. Sunil Sahu, Advocate  
For Respondents No.1,2 & 4 : Mr. R.N. Jha, Advocate  
For Respondent No.3 : Mr. Sandeep Dubey, Dy.A.G.

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**Hon'ble Shri Justice Parth Prateem Sahu**

**Order On Board****13/02/2023**

1. Challenge in this petition is to the impugned order dated 09.01.2023, whereby while deciding representation of petitioner has canceled the order of attachment and have ordered petitioner to be transferred at Raipur in head office.
2. Learned counsel for petitioner submits that petitioner is holding the post of driver and he was posted in the office at Raigarh. His services was attached to the office at Raipur vide order dated 15.06.2021 (Annexure P-5). Petitioner even after issuance of order of attachment was working in the office at Raipur and he was relieved to join at Raipur only vide letter dated 05.12.2022.
3. Aggrieved by action of respondents, petitioner filed writ petition bearing W.P.(S) No. 9109 of 2022, which came to be disposed off vide order dated 20.12.2022 directing respondents to consider the representation submitted by petitioner and till decision on representation, interim protection was also ordered in his favour. Petitioner submitted representation, which was rejected vide order Annexure P-1. He also contended that petitioner is a Clause -IV employee and while deciding the representation challenging attachment have been transferred from Raigarh to Raipur, therefore, the order Annexure P- 1 is erroneous. If for any reason, petitioner is to be transferred, then separate order of transfer ought to have been issued, therefore, the order Annexure P-1 be set-aside. Respondents are adamant to relieve petitioner from Raigarh and therefore, the transfer order

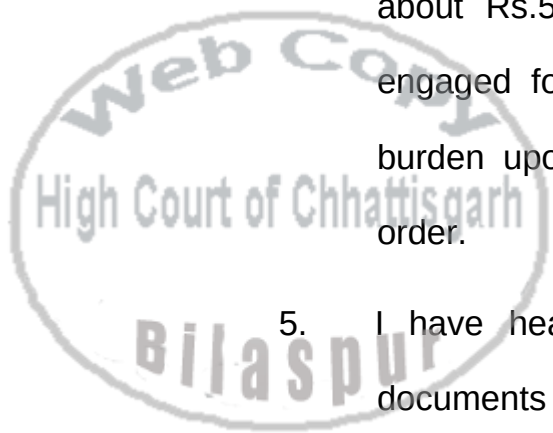




was not served to petitioner immediately, however, it was served along with order of reliving dated 27.01.2023, which shows the malicious act of respondents.

4. Learned counsel for respondent No. 2 and 4 would submit that petitioner is holding post of driver in the office at Raigarh. There is no vehicle to be operated and driven by petitioner, however, at the same time, there is shortage of driver in head office at Raipur, therefore petitioner, who is employee of respondents have been transferred at Raipur to discharge his duties on which he is appointed. He also contended that salary of petitioner is about Rs.53,000/- per month and if another driver is to be engaged for driving the vehicle at Raipur will cause financial burden upon respondents. There is no error in the impugned order.
5. I have heard learned counsel for parties and perused the documents available in record.

6. Admittedly petitioner's substantive post is driver. Submission of learned counsel for respondents in the reply that there is no vehicle in the office at Raigarh is not disputed by filing rejoinder by petitioner. While challenging the order of attachment in the writ petition submission was made on behalf of petitioner that order of attachment is per-se wrong and if for any reason, the petitioner is to be posted at Raipur then the order of transfer is to be passed substantially posting petitioner in the office. The petition was disposed off directing respondents to consider representation submitted by petitioner granting interim protection





to petitioner and that is why the order Annexure P-1 is passed on the representation submitted by petitioner. While considering the representation, respondent No.2 has passed detailed order, which reads as under :-

“जिसके विरुद्ध श्री रामसिंह भारती द्वारा माननीय उच्च न्यायालय छ0ग0 में याचिका क्रमांक W.P.S. No. 6724 of 2022 प्रस्तुत किया गया है। माननीय न्यायालय के निर्देशानुसार श्री भारती को 2 सप्ताह के भीतर आवेदन पत्र प्रस्तुत करना था, किंतु उनके द्वारा दिनांक 04.01.2023 को आवेदन प्रस्तुत किया गया है। श्री भारती द्वारा कार्यमुक्ति आदेश के उपरांत दिनांक 06.12.2022 को चिकित्सा अवकाश स्वीकृति हेतु जिला समिति रायगढ़ में आवेदन प्रस्तुत किया गया, जिसके संबंध में फिटनेस प्रमाण पत्र दिनांक 29.12.2022 प्रस्तुत किया गया है।

श्री रामसिंह भारती द्वारा अपने अभ्यावेदन में अन्य विभागों में वाहन चालक का कार्य करने का उल्लेख किया गया है चूंकि निगम में कर्मचारियों की कमी है। अतः जिला समिति रायगढ़ में वाहन की उपलब्धता नहीं होने एवं निगम मुख्यालय में वाहन चालक की आवश्यकता होने के कारण अतिरिक्त व्यय भार को ध्यान में रखते हुए श्री रामसिंह भारती की योग्यता, अनुभव एवं कार्यकुशलता को दृष्टिगत रखते हुए निगम मुख्यालय, नवा रायपुर में संलग्न किया गया था।”

7. In the order respondent No.2 has specifically mentioned that there is no vehicle in the office at Raigarh. There is shortage of driver in the head office at Raipur and if for driving the vehicle at Raipur driver is to be engaged, will cause financial burden upon respondents.
8. In the aforementioned facts where detailed reasons has been



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assigned by respondent No.2 for issuing order Annexure P-1, I do not find any good ground to interfere with the impugned order (Annexure P-1).

9. Accordingly, this petition has no merit which is liable to be and is hereby dismissed.

**Sd/-**  
**(Parth Prateem Sahu)**  
Judge

Balram

