



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 1326 of 2023

Vivekanand Nagwanshi S/o Mahesh Kumar Nagwanshi, Aged About 33 Years
 Presently Posted as Data Entry Operator at Office of Collector (Land Records)
 Dhamtari District Dhamtari Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Its Secretary Revenue and Disaster Management Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Under Secretary Revenue, Revenue and Disaster Management Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh.
3. Collector (Land Record) Gariyaband, District Gariyaband, Chhattisgarh.
4. Collector (Land Record) Dhamtari, District Dhamtari, Chhattisgarh.

--- Respondents

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For Respondent-State	:	Mr. Kashif Shakeel, Dy. AG.

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

14/02/2023

1. Grievance of petitioner in this writ petition is that office of Collector (Land Record), Gariyaband, District -Gariyaband is not transferring 'last payment certificate' of petitioner to his transferred place of posting ie office of Collector (Land Record), Dhamtari, District -Dhamtari.
2. Learned counsel for petitioner submits that vide order of transfer dated 30.09.2022 (Annexure P-1), petitioner who is holding post of 'Data Entry Operator' and posted in office of Collector (Land Record), Gariyaband is transferred to office of Collector (Land Record), Dhamtari. When petitioner was not relieved by respondent No.3, he submitted applications/representations before him on 10.10.2022 and thereafter on 28.10.2022. However, when petitioner was not relieved even after lapse of more than one month, he himself got relieved as provided under clause -2 of order of transfer (Annexure P-1) and gave his joining on 11.11.2022 in office of Collector, (Land Record), Dhamtari. He further contended that vide Annexure P-6, respondent No.4 had issued an order of posting of petitioner in Tahsil Office, Kukrel to which petitioner joined on



27.12.2022 and since then he is working there. After joining of petitioner, respondent No.4/Collector, Dhamtari wrote letter to respondent No.3/Collector, Gariyaband for forwarding last payment certificate of petitioner to his office, but till date same is not forwarded, the action on the part of respondent No.3 is *per se* arbitrary. Petitioner invoking clause -2 of order of transfer (Annexure P-1), joined at transferred place but respondent No.3 is not forwarding last payment certificate of petitioner, due to which, he is not getting salary.

3. Learned State Counsel submits that he may be granted short time to seek instruction in the matter.
4. Heard learned counsel for parties and perused documents annexed with writ petition.
5. Perusal of order of transfer (Annexure P-1) would show that petitioner was transferred along-with other 32 employees. Clause -2 of transfer order reads as under :-

“उपरोक्त स्थानांतरित कर्मचारियों को निर्दिशित किया जाता है की वे नवीन पदस्थापना स्थान पर आदेश जारी से 15 दिवस के भीतर कार्यभार ग्रहण करें. उक्त समायावधि के भीतर भारमुक्त नहीं होने की स्थिति में संबंधित कर्मचारी स्वमेय भारमुक्त माना जावेगा.”

6. Petitioner has also placed on record copies of applications/representations submitted by him before respondent No.3 as (Annexure P-2 to P-4). Perusal of which shows that petitioner requested for his relieving so as to enable him to join at transferred place, but when respondent No.3 has not passed any order relieving him, he submitted another representation/application intimating respondent No.3 that according to clause -2 of order of transfer, he himself is relieving and proceeding to join transferred place. Intimation letter was received by office of respondent No.3 on 11.11.2022 and thereafter petitioner joined transferred place and also posted in Tahsil Office, Kukrel by Competent Authority, where he joined on 27.12.2022 and since then he is working there. Respondent No.4 where petitioner gave his joining, wrote letter to respondent No.3 for sending last payment certificate of petitioner vide letter dated 24.11.2022, as stated by



counsel for petitioner respondent No.3 has not forwarded the same till date.

7. Considering entire facts of the case, documents annexed with writ petition, grievance raised in writ petition, submission of counsel for petitioner, I am of the view that no useful purpose would be served in keeping this writ petition pending, awaiting response of respondents, and ends of justice will be served if this writ petition is disposed of with a direction to respondent No.3 to take decision on letter written by respondent No.4 within specified time.
8. Accordingly, this writ petition stands disposed of directing respondent No.3 to take necessary steps and pass appropriate order on letter dated 24.11.2022 (Annexure P-8) written by respondent No.4, in accordance with law expeditiously preferably within an outer limit of '**three weeks**' from the date of receipt of this order.

CC as per rules.



Sd/-
(Parth Prateem Sahu)
JUDGE