HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 6890 of 2021

Nirmal Toppo **Versus** State Of Chhattisgarh

14/12/2021	Mr. Abhishek Sinha, Sr. Advocate with Mr. Ravindra Sharma, Mr. Gary Mukhopadhyay, Mr. Samrath Singh Marhas, Ms. Shriya Jaiswal, Advocates for the petitioner. Mr. Amrito Das, Addl. AG for the State. Learned counsel for the petitioner would submit that impugned order of transfer dated 09.12.2021 (Annexure P/1) has been passed in order to accommodate the respondent No.3, who is working as Assistant Engineer in Public Works Department and is posted in place of petitioner whereas the petitioner is Executive Engineer (E & M) Bilaspur. He would further submit that the respondents vide Annexure P/1 malafidely exercised the power in order to accommodate respondent No.3, which is contrary to transfer policy of the State government, therefore, the is liable to be quashed. The petition being arguable is admitted for hearing. Issue notice to respondents. Mr. Amrito Das, Additional Advocate General accepts notice for respondents No.1 and 2. Mr. Pankaj Singh, accepts notice on behalf of the respondent No.3 and he prays for and is granted short time to file reply. Let two sets of extra copies of writ petition along with annexures be served to office of Advocate General and Mr. Pankaj Singh, Advocate.

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Heard on I.A No. 01/2021 for grant of stay/interim relief.

Issue notice to the other respondents on payment of PF on application for grant of stay.

Since the petitioner is holding the post of Executive Engineer and the respondent No.3, who is holding the post of Assistant Engineer, who is junior to the petitioner, the effect and operation of the impugned transfer order dated 09.12.2021 (Annexure P/1) shall remain stayed till the next date of hearing.

Respondents are granted four weeks time to file reply.

List this case for consideration on 24.01.2022.

Sd/-

(Sanjay K. Agrawal)
Judge

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Santosh