

CH 1004

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 3539/03 OF 2003

BETWEEN

Surendra Prasad Sharma, aged about 46 years, S/o Late Shri Sunder Lal Sharma, Occupation Warder (Prahari) Central Jail Raipur, Tehsil and District Raipur (CG), resident of Jail Line, Quarter No.I/43 Raipur, Tehsil and District Raipur (CG).

PETITIONER

A N D

P. R. No. 3539/03
Presented by Shri Rakesh Anand
dated 26-09-03

1. The State of Chhattisgarh,
Through the Secretary Department of Home Affairs/
Jail and Transportation, Mantralay, D.K.S. Building,
Raipur, Tehsil and District Raipur (CG).
2. The Director General of Police & Inspector
General of Jails, Chhattisgarh, Raipur, Tehsil
and District Raipur (CG).
3. The Superintendent of Jail,
Central Jail, Raipur, Tehsil and District Raipur.
4. Mohd. Khalil Khan, Warder/Prahari, Sub Jail Pendra
Road, District Bilaspur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3093/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>30/01/2004</p> <p>Shri S.K. Thomas, counsel for the petitioner.</p> <p>Dr. N.K. Shukla, Additional Advocate General for respondents no. 1 to 3/State.</p> <p>By this petition filed under Article 226/227 of the Constitution of India the petitioner has challenged the order dated 10/09/2003 (Annexure P/1) by which he has been transferred from Central Jail, Raipur to Sub-Jail Pendra.</p> <p>Petitioner was working as a Warder at Central Jail, Raipur. Time was allowed twice to respondents to file the return, but return has not been filed.</p> <p>Learned counsel for the petitioner submits that in view of the sub Rule (2) of Rule 208 of the Jail Manual, a Warder cannot be transferred from one circle to another circle unless showing special circumstances or on the ground of mutual transfer with the consent of the Warders.</p> <p>In this case, the procedure as envisaged in sub-rule (2) of Rule 208 of the Jail Manual, has not been followed and Dr. N.K.Shukla, Additional Advocate General fairly submitted that the Government has already been moved for cancellation of transfer looking to the above</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 3093/03
सामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक या आदेश क्रमांक	हस्ताक्षर सहित आदेश (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>provisions of sub-rule (2) of Rule 208 of Jail Manual and that is under consideration.</p> <p>Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that it is a fit case in which the petitioner should be allowed to make a detailed representation to the Respondent no.2. Therefore, the petitioner is allowed to make a detailed representation to the Respondent no.2, raising all his gricvances within a period of 10 days from today and the Respondent shall decide the same in an objective manner by passing a reasoned order within period of one month from the date of receipt of representation in the light of sub-rule (2) of Rule 208 of the Jail Manual and considering all the points raised by the petitioner.</p> <p>With the direction aforesaid, the writ petition is disposed of. Consequently, M.W.P.No.2822/2003 also stands disposed of.</p> <p>Parties are entitled for certified copy of this order.</p>	<p>Sd/- L.C. Bhadoo Judge</p>