

C. 8.10d (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 3343 OF 2004

BETWEEN

Sunil Kumar Shrivastava s/o Late Shri D.P. Shrivastava,
aged about 38 years, occupation government service, working
as Office Assistant Grade II, Block Education Office,
Charama, District Kanker (CG).

PETITIONER

AND

P.R. No. 3386/04
Presented by Shri. Rakesh Anthony
dated 20-9-04

1. The State of Chhattisgarh,
Through the Secretary Adim Jati Tatha Anusuchit Jati
Vikas Vibhag, Mantralay, D.K.S. Building, Raipur (CG).
2. The Director,
Adim Jati Tatha Anusuchit Jati Vikas Vibhag, Raipur.
3. Collector, Kanker
District Kanker (CG).
4. Assistant Commissioner, Adim Jati Tatha
Anusuchit Jati ~~Vikas Vibhag~~ Vikas Vibhag,
Kanker (CG).
5. ~~Block~~ District Education Officer,
Charama, North Bastar Kanker (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF

INDIA

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20/9/04
Clerk to A.G. Bilaspur

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 3343/2004

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>29.10.2004</u></p> <p>Shri Rakesh Antony, counsel for the petitioner. Shri Akhil Agrawal, Panel Lawyer for the State. Application for urgent hearing is allowed. Heard.</p> <p>Learned counsel for the petitioner submits that in similar matter bearing W.P. No. 2344/2004 (Jageshwar Das Vaishnav v- State of Chhattisgarh and others) this Court has passed an order dated 13.9.2004. He has produced the copy of the said order and prays for similar order.</p> <p>The prayer is not opposed by the State counsel.</p> <p>The petitioner was making request for being relieved since 2003, but he was deliberately not relieved on the pretext that Vidhan Sabha elections are there and thereafter, Lok Sabha elections are to be held. Some of the employees have filed writ petitions before this Court and this Court had passed a detailed order directing the State to relieve them. The State should have relieved those persons in the year 2003 or in any case immediately after the Vidhan Sabha or Lok Sabha elections. The State and its officials are themselves responsible for not relieving them so as to join to the places of posting. During this period, many of them have shifted their families, got admitted their</p>	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	<p>children in schools and just by one line cryptic order without assigning any reason, all transfers have been cancelled.</p> <p>Having thus considered, so far as order dated 18.6.2004 is concerned, the same is not sustainable and has to be set aside and is set aside. The question remains as to what is to be done for relieving.</p> <p>Counsel for the parties submitted that the petitioner be given opportunity to make his representation.</p> <p>The petitioner may make representation within 10 days from today, and on such representation being filed, the same will be considered as early as possible preferably within 4 weeks. The State would consider all aspects of the matter and the relevant facts and circumstances under which he was transferred and not relieved. It is made clear that if any grievance still remains, petitioner may avail the remedy under law.</p> <p>This petition is disposed of with the above directions/ observations.</p> <p>C.C. as per rules.</p>	<p>Sd/- Fakhruddin Judge</p>

Vatli

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