

(3)

## IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. No.3089 /06

PETITIONER

S. R. No. The State of the State

Harman Michal Khalkho, S/o Late Shri Claiment Khalkho Aged about 50Yrs. Asst. Regional Transport Officer, Presently posted at, Regional Transport Office, Raipur (C.G.)

#### **VERSUS**

RESPONDENT

1. State of C.G.
Through: Additional Secretary,
Transport Department,
D.K.S. Bhawan,
Raipur (C.G.)

2. Regional Transport Authority Raipur(C.G.)

3. Transport Commissioner, Bus Stand, Pandri, Raipur (C.G.).

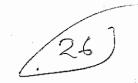
4. Shri S.N.Singh Regional Transport Officer, Kanker, District Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, WRITS, ORDER, DIRECTIONS ETC.

XI-HC-78

### उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# मामला क्रमांक · ۖ सन् 200€ सन् 200€



आदेश पत्रक (पूर्वानुबद्ध)		
आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>30-6-2006</u>	
	Mr. Maneesh Sharma, counsel	for the petitioner.
7	Mr. Satish Gupta, Deputy Govt	Advocate for the State/respondents No.1
**	to 3.	
•	Mr. N.K. Vyas, counsel for resp	ondent No.4.
	Heard.	
hon.	By this writ petition, the petition	er has questioned the legality of the order
	dated 24-6-2006, whereby he has bee	n transferred from Raipur to Kanker. The
	main ground of challenge is that the	petitioner has been transferred within a
	period of ten months, because earlier	ten months back he was transferred from
	Korba to Raipur and now, he was aga	n transferred from Raipur to Kanker.
	It is settled law that the trans	fer of an employee can be successfully
	questioned on the ground of incomp	etence of the Officer who has issued the
	transfer order, the transfer is mala fide	Aby 6 and the same has been made contrary to
	the statutory rules.	
,	Learned counsel for the petit	oner submits that the transfer has been
C.	effected within a short span of time, t	herefore, the petitioner may be allowed to
	make a representation raising his	lifficulties to respondent No.1, to which
	learned counsel appearing for the Sta	e/respondents No.1 to 3 has no objection.
٠٠.	Having heard learned counse	for the parties and having regard to the
·	facts and circumstances of the case	se, the petitioner is allowed to make a
٦.	representation to respondent No.1	within 10 days from today and in turn,
	respondent No.1 is directed to decide	the representation on its own merits, in
	accordance with law, within a period of	f 30 days from the date of its receipt.
	With the direction aforesaid, th	e petition stands disposed of.
	In view of this order, M.(W.)P.N	lo.2361/2006 also stands disposed of.
	Parties are entitled for certified	copy of this order.
•		Sd/-
		L.C.Bhado

L.C.Bhadoo Judge