

SINGLE BENCH

(4)

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. No. 3089 /06

PETITIONER

P.R. No. 3142/06
Presented by Shri Manish Sharma
dated 28/6/06

: **Harman Michal Khalkho,**
S/o Late Shri Claiment Khalkho
Aged about 50 Yrs.
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.)

RECEIVED-COPY
CLERK TO A.D. BILASPUR
28/6/06

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

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P..3089/ सन् 2006

26

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>30-6-2006</p> <p>Mr. Maneesh Sharma, counsel for the petitioner.</p> <p>Mr. Satish Gupta, Deputy Govt Advocate for the State/respondents No.1 to 3.</p> <p>Mr. N.K. Vyas, counsel for respondent No.4.</p> <p>Heard.</p> <p>By this writ petition, the petitioner has questioned the legality of the order dated 24-6-2006, whereby he has been 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 again transferred from Raipur to Kanker.</p> <p>It is settled law that the transfer of an employee can be successfully questioned on the ground of incompetence of the Officer who has issued the transfer order, the transfer is mala fide ^{for} and the same has been made contrary to the statutory rules.</p> <p>Learned counsel for the petitioner submits that the transfer has been effected within a short span of time, therefore, the petitioner may be allowed to make a representation raising his difficulties to respondent No.1, to which learned counsel appearing for the State/respondents No.1 to 3 has no objection.</p> <p>Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a 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 30 days from the date of its receipt.</p> <p>With the direction aforesaid, the petition stands disposed of.</p> <p>In view of this order, M.(W.)P.No.2361/2006 also stands disposed of.</p> <p>Parties are entitled for certified copy of this order.</p>	

Sd/-
L.C.Bhadoo
Judge

Soma

for
G-406