

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

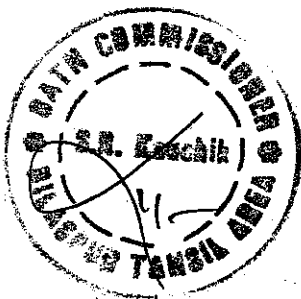
W.P.(S) NO. 5622 /2012

PETITIONER : Sanjay Mishra S/o Late Shri O.N. Mishra, Aged about 45 years, occupation-Company Commander, home Guard, Dantewara, Distt. Dantewara (C.G.) R/o 27 kholi, Vikash Nagar, Bilaspur Distt: Bilaspur (C.G.)—P.S. Civil Lines ✓

R No. 5622/12
Presented by Shri. D. Pandey
Dated. 26/11/12

VERSUS

RESPONDENTS : 1. State of Chhattisgarh through Secretary, Department of home, Post office Raipur, Mantralaya, New Raipur, Distt. Raipur (C.G.)
Pin code 492001
2. Director General
Home Guard and public protection
Mana camp, Post office Raipur, Raipur, Distt. Raipur (C.G.)
Pin code 492001
3. District Commandant
Home Guard, Post office Dantewara, Distt. Dantewara (C.G.)
Pin code 494449 ✓
4. Divisional commandant
Home Guard, Bastar division, Jagdalpur (C.G.)
Pin code 494001 ✓



WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH: HON'BLE PRASHANT KUMAR MISHRA, J

W.P(S). 5622 of 2012

PETITIONER

Sanjay Mishra

Vs.

RESPONDENT:

State of Chhattisgarh & others

Present:

Mr. Deepak Jain, Counsel for the Petitioner.

Mr. Arun Sao, Govt. Advocate, for the State on advance copy.

ORAL ORDER

(27.12.2012)

Learned counsel for the petitioner seeks a direction to the respondents to execute the transfer order dated 31.07.2012 (Annexure P-1) whereby he has been transferred from Dantewara Tribal Area to Surajpur Tribal Area.

Learned counsel for the petitioner would submit that the order dated 31.07.2012 is still in force as it has neither been withdrawn nor modified. However, the said order has not been executed and the petitioner has not been relieved for submitting joining at the transferred place of posting. He would submit that petitioner's representation for relieving him to join at the transferred place of posting has not been decided. He would further submit that the respondents/authorities are deliberately delaying the process of relieving the petitioner and he apprehends that someone else may be posted at the place where the petitioner has been transferred.

The Supreme Court, in ***Sreedam Cahdra Ghosh vs. State of Assam & others reported in (1996) 10 SCC 567*** has held that a direction for enforcement of executive orders may be issued by the Court.

Accordingly, respondent No.2 is directed to ensure that the petitioner joins the place of posting at Surajpur as directed by order dated 31.07.2012 (Annexure P-1) forthwith, within a period of two weeks from the date of receipt of copy of this order.

In view of the above, the petition is allowed to the above extent. No order as to costs.

C.c. today.

Sd/-
Prashant Kumar Mishra
V. Judge