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Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION. (S) No. 1973 /2012

PETITIONER

MOTI LAL SAHU, SON OF LATE MADAN
LAL SAHU, AGED ABOUT 42 YEARS,
RESIDENT OF : PATWARI HALKA NO.
29, GUNDERDEHI, TAHSIL
GUNDERDEHI, DISTRICT BALOD, C.G

R. No. 1973/12
Presented by Shri D.K. Datta
Dated 8-5-12

VERSUS

RESPONDENTS

1. ✓ STATE OF CHHATTISGARH,
THROUGH SECRETARY, REVENUE
DEPARTMENT OFFICE SITUATED AT
SECRETARIAT, RAIPUR, (C.G)
2. ✓ THE COLLECTOR, DURG, OFFICE
SITUATED AT DURG, C.G

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF
CERTIORARI, MANDAMUS AND OTHER SUITABLE WRIT OR
WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:**



HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 1973 of 2012

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PETITIONER : Moti Lal Sahu.

VERSUS

RESPONDENTS : State of Chhattisgarh & Another.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Praveen Dhurandhar, Advocate for the petitioner.
Shri Y.S.Thakur, Deputy Advocate General for the
State/respondents.

ORDER

(Passed on 11th day of May, 2012)

1. Challenge in this petition is to the order dated 30.12.2011 (Annexure P/1), whereby the earlier order dated 02/08.12.2011 (Annexure P/2) transferring the petitioner, working as Patwari, at Patwari Halka No. 37, Bemetara to Patwari Halka No. 29, Gunderdehi, was cancelled.
2. The impugned order was passed on 30.12.2011. The petitioner did not take any steps to question the legality and validity of the same on the ground that once the transfer order has been complied, the same cannot be cancelled. In normal course, the petitioner should have complied with the order dated 30.12.2011.
3. At this stage, the impugned order cannot be quashed on a simple ground that the order passed by the Upper Collector, Durg, in similar circumstances had been quashed. Secondly, it is a transfer matter wherein the transfer is always at the discretion of the employer in the public interest as well as in the administrative exigency.



4. Thus, at this juncture, the petitioner cannot be permitted to take the advantage of the decision of this Court in *Bharat Ram Sahu v. State of Chhattisgarh & Others* [W.P.(S) No. 1085/2012] as the law is well settled that if an employees sleeps over his rights and the order is given effect to, it is not necessary to pass a similar order, which was passed in a case where the employee had come at an appropriate time for the relief. (See: *Tulsiram Sahu & Others v. State of Chhattisgarh & Others*¹).
5. The Supreme Court in *Virender Chaudhary v. Bharat Petroleum Corporation and Others*², observed that a writ remedy is a discretionary remedy. The Court exercises its jurisdiction only upon satisfying itself that it would be equitable to do so. Delay and/or laches, indisputably, are the relevant factors.
6. Applying the well settled principles of law to the facts of the case on hand and for the reasons mentioned hereinabove, the writ petition is liable to be and is hereby dismissed at the admission stage itself.

Amit

Sd/-
Satish K. Agnihotri
Judge

¹ WP (S) No.1864 of 2010 (decided on 23-4-2010)
² (2009) 1 SCC 297