

(2018) 09 CHH CK 0099

Chhattisgarh High Court

Case No: Writ Petition (S) No. 5823 Of 2018

Santosh Kumar Sondhiya

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 6, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Jitendra Pali, RK Gupta

Judgement

P. Sam Koshy, J

1. The challenge in this petition is to the order dated 28.07.2018 (Annexure P/2) whereby the representation of the petitioner has been rejected.

2. The present is a second round of litigation. The earlier petition was WPS No.3910 of 2018 which stood decided on 23.05.2018 granting liberty to the petitioner to move representation raising all his grievances, which in turn, were directed to be decided by the respondent authorities in accordance with transfer policy applicable and meanwhile the petitioner was granted interim protection.

3. Pursuant to the said order dated 23.05.2018 passed in the aforesaid writ petition, the impugned order dated 01.08.2018 has been passed wherein the representation of the petitioner has been rejected only on the ground that the petitioner has already been relieved by virtue of order of transfer dated

14.08.2017 on 17.05.2018 and therefore there was no necessity or relevancy for deciding the representation of the petitioner.

4. This finding of the authority primarily seems to be not proper. There was an observation of this court while disposing of the earlier writ petition to

consider the representation made by the petitioner therefore, it was incumbent upon the authorities to decide the same objectively. Merely for the petitioner having been relieved by itself should not be a ground for not considering the other contents, if any, raised in the representation.

5. The counsel for the petitioner at this juncture submits that there is also a committee constituted by the State for dealing with the transfer matters as per Clause-5 of the transfer policy and the representation of the petitioner should had been considered by the said committee. It is further submitted that the representation of the petitioner also was forwarded to the committee through proper channel, yet the committed has not taken any decision.

6. Considering the aforesaid factual matrix of the case, this matter is referred back to the authorities concerned to decide the representation of the petitioner afresh objectively. Needless to mention that, if at all if any committee has been constituted, let an appropriate decision be taken by the said committee on the representation of the petitioner.

7. This court has not expressed any opinion on the merits of the case and the authorities/committee would be free to take a decision in accordance with transfer policy prevailing and also considering the contents of the representation made by the petitioner.

8. Let the committee take a decision within an outer limit of 60 days from today. Meanwhile, let status quo as it exist today, be maintained till the representation is finally decided.