



Reserved on – 01.07.2025

Delivered on -15.09.2025

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1057 of 2005

1 - V.K.Sharma aged about 41 years, son of Late Shri S.N. Sharma, Labour welfare Inspector (water Resources Department) MRP Dam, Division No.3, Rudri (Dhamtari, District Raipur) R/o Rudri, District Raipur M.P.

... Petitioner

versus

- 1 -State of Madhya Pradesh Thr: The Secretary, (Irrigation Department,) Water Resources Department, Vallabh Bhawan, Bhopal.
2. Engineer-In-Chief, Water Resources Department Government of M.P., Bhopal.
3. Mahesh Kumar Dubey, Labour Welfare Officer, (Gr.II), Office of the Engineer-in-Chief, Water Resources Department, Bhopal.

... Respondent(s)

For Petitioner	:	Mr. S. C. Verma Sr. Advocate with Mr. Rajat Agrawal, Advocate
For Respondent(s)	:	Mr. Sanjeev Pandey, Dy. AG.

Hon'ble Shri Justice Sachin Singh Rajput

CAV Order

1. The petitioner has filed this writ petition seeking for the following relief(s);
 1. *That, by issuance of a writ in the nature of certiorari the order Annexure A-6 may please be quashed declaring the same to be breach of recruitment Rules, 1968.*
 2. *By issuing the writ in the nature of mandamus the Hon'ble Tribunal be pleased to command the respondents to consider the case of the petitioner for promotion to the post of Labour Welfare*



Officer (Gr.II), with effect from his entitlement i.e., 13.3.1986 or from any other date as this Hon'ble Tribunal may direct.

3. That, by issuing of writ in the nature of mandamus the Hon'ble Tribunal be pleased to command the respondents to give the petitioner the retrospective promotion as Labour Welfare Officer (Gr.II) with all consequential benefits.

4. That, a writ of mandamus be issued commanding the respondents to treat the entire period from 13.3.78 as period of officiation as Labour Welfare Inspector and give the seniority to the petitioner on that post from 13.3.78.

5. Any other writ, direction or order as may be deem fit under the circumstances of the case may also be issued together with awarding the cost of these proceedings.

2. The subject matter in a nutshell is that by the impugned order, one Upper Division Clerk, i.e., respondent No. 3, has been promoted as Labour Welfare Officer (Grade-II), while the petitioner, who was otherwise entitled to such promotion, has been ignored and not considered for the same. This out-of-cadre promotion has caused serious demoralization to the petitioner. He submitted a representation on 04.10.1990 immediately upon learning of the said promotion. However, no reply has been furnished to his representation. Subsequent representations made by him have also gone unheeded.
3. Learned counsel for the petitioner submits that, from the record and in light of Sections 30 and 83 of the Madhya Pradesh Reorganization Act, 2000, it is evident that the present petition pertains to the State of Madhya Pradesh, as the petitioner had retired from service under that State and the reliefs sought fall within its jurisdiction. The transfer of this matter to the Hon'ble High Court of Chhattisgarh is, therefore, erroneous. He accordingly prays that this matter be transferred from the Hon'ble High Court of Chhattisgarh to the Hon'ble High Court of Madhya Pradesh.
4. On the other hand, learned counsel for the State does not raise any objection to the transfer of this petition.



5. I have heard learned counsel for parties and perused the documents available on record.
6. Initially an original application under Section 19 of the Administrative Tribunals Act, 1985 was filed by the petitioner before the Madhya Pradesh Administrative Tribunal, Principal Bench at Jabalpur which was registered as O.A. No.431/1995 and during pendency of the same, State of Chhattisgarh came into being on account of bifurcation in the year 2000 as per M.P. Reorganization Act, 2000. Thereafter, original application was transferred to this Court and the same was registered as WPS No.1057 of 2005 which was dismissed for want of prosecution on 29.10.2009 and was subsequently restored by this Court vide order dated 04.04.2025. Thereafter, vide order dated 30.04.2025, this Court directed the registry to examine the case and submit a report with regard to jurisdiction of this Court to entertain this petition. A report has been submitted by the registry indicating therein that the petitioner has retired from Shahdol (MP) and drawing pension from District Pension Office, Rewa (MP). Therefore, Hon'ble High Court of Madhya Pradesh is having the territorial jurisdiction to decide the case.
7. It is the contention of the petitioner that the present matter has been wrongly transferred to the Hon'ble High Court of Chhattisgarh after the reorganization of the erstwhile State of Madhya Pradesh, though the petitioner had retired from service under the State of Madhya Pradesh and the reliefs sought pertain to the authorities and jurisdiction of the State of Madhya Pradesh.
8. Reliance has been placed on **Sections 30 and 83 of the Madhya Pradesh Reorganisation Act, 2000**, which clearly provide that:
 - (i) under Section 30(1) and (2), proceedings which are relatable to the State of Chhattisgarh are to be certified and transferred by the



Hon'ble Chief Justice of the Madhya Pradesh High Court to the
Hon'ble High Court of Chhattisgarh;

(ii) under Section 30(3), jurisdiction in respect of matters arising out of orders passed by the High Court of Madhya Pradesh prior to the appointed day continues to vest with the High Court of Madhya Pradesh unless specifically directed to be transferred;

(iii) under Section 83(1), proceedings pending before any court or authority are to be transferred to the corresponding court in Chhattisgarh only if they relate exclusively to the territory of Chhattisgarh.

9. On a conjoint reading of the aforesaid provisions, it is evident that proceedings connected with the service of the petitioner under the State of Madhya Pradesh, and in which the reliefs claimed are against the authorities of the State of Madhya Pradesh, ought to remain within the jurisdiction of the Hon'ble High Court of Madhya Pradesh. The transfer of the present petition to the Hon'ble High Court of Chhattisgarh, therefore, appears to be erroneous.
10. Applying these principles, it is clear that as the petitioner's service and retirement are from the State of Madhya Pradesh, and the reliefs are claimed against authorities of that State, the cause of action squarely falls within the jurisdiction of the Hon'ble High Court of Madhya Pradesh.
11. Accordingly, in the interest of justice, this writ petition is disposed of directing the Registrar (Judicial) of the Hon'ble High Court of Chhattisgarh shall forthwith take necessary steps to transmit the entire record of this petition to the Registrar (Judicial) of the Hon'ble High Court of Madhya Pradesh at Jabalpur, to be placed before the Hon'ble Chief Justice for appropriate orders.
12. The registry shall ensure due compliance of this order within a period of four weeks.

Sd/-

(Sachin Singh Rajput)
Judge

H.Ansari