

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1525 of 2015

1. Ashok Kumar Mishra S/O Late Ramvilas Mishra Aged About 47 years R/O Ghasidas Ward No. 16, Kedarpur Ambikapur Police Station And Post Ambikapur, Civil & Revenue District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Chief Secretary, Commercial Tax (Excise) Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur District Raipur Chhattisgarh
2. Excise Commissioner Chhattisgarh Raipur Excise Building Chhokra Nala, Labhandi, Raipur District Raipur Chhattisgarh
3. Assistant Excise Commissioner Bilaspur District Bilaspur Chhattisgarh
4. District Excise Officer Surguja, District Surguja Chhattisgarh

---- Respondent

For Petitioner	Shri Manoj Paranjape, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/04/2015

1. With the consent of learned counsel for the parties, the petition is heard finally.
2. The petitioner, who is working as Excise Constable and is presently posted in the office of the District Excise Officer,

Sarguja, has assailed the legality and validity of the impugned order dated 31-3-2015 issued by the Excise Commissioner, Chhattisgarh, assigning him the duties for departmental operations of the liquor shops, in the office of the Assistant Commissioner (Excise), District Bilaspur.

3. It has been urged by the learned counsel appearing for the petitioner that by order dated 4-8-2014 the petitioner was transferred from District Baloda Bazar to District Sarguja at his own costs, therefore, barely 8 months have elapsed at the present place of posting and, as such, the impugned order amounts to frequent transfer. He would further submit that the impugned order is, in fact, an order of attachment, which is not permissible in view of the State Government's circular dated 4-6-2001 prohibiting all kinds of attachment of a Government servant from one office to another office.
4. Per contra, learned counsel appearing for the State would submit that the impugned order is neither a transfer order nor an order of attachment, therefore, no case for interference is made out.
5. A reading of the impugned order would indicate that some liquor shops of Bilaspur district remained to be allotted even after completion of the settlement process for grant of licence for the Excise year 2015-16, therefore, it has become necessary for the

Government to run the liquor shops departmentally. Since adequate staff/man power to run the liquor shops is not available in the department, the Excise Commissioner has issued the impugned order assigning duties to different level of Excise Officers and employees. The impugned order would indicate that the officers and employees of the rank of Assistant District Excise Officer, Excise Sub Inspector, Excise Constables, Peon & Driver have been effected by the impugned order. It appears, while making the arrangement, the Excise Commissioner has created a kind of paraphernalia so that liquor shops can be effectively managed.

6. Needless to say that running of liquor shops would generate revenue for the Government. Thus, even if the impugned order has the effect of change of station, the same having been done by the State Government purely on administrative exigency and for a valid and lawful reason. This Court does not find any ground to interfere with the impugned order.
7. As a sequel, the writ petition, being bereft of merit, is liable to be and is hereby dismissed at the motion stage itself.

JUDGE

Gowri