

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 4141 of 2014**

Dr. R.D. Jaiswal S/o Late Ram Kumar Jaiswal, Aged about 52 Years,
Occupation -Veterinary Asstt. Surgeon, R/o D-14, Minocha Colony,
Bilaspur, PS Civil Line, Distt Bilaspur, CG

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Agriculture (Animal Husbandry), Mahanadi Bhawan, Secretariat, New Raipur, Dist Raipur, CG
2. Under Secretary, Department of Agriculture (Animal Husbandry), Mahanadi Bhawan, Secretariat, New Raipur, Dist Raipur, CG
3. The Director, Veterinary Services, G.E.Road, Raipur, Dist Raipur, CG
4. The Joint Director, Veterinary Services, Bilaspur, Dist Bilaspur, CG
5. Dr. R.M.Vishwakarma S/o Shir Ram Kishore Vishwakarma, Aged about 49 Years, Veterinary Assistant Surgeon, Veterinary Hospital Gaurela, Dist. Bilaspur, CG

---- Respondents

For Petitioner	:	Shri Anand Shukla, Advocate
For Respondent/State	:	Shri Bhupendra Singh, P.L.
For respondent No.5	:	Shri Amrito Das, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/09/2015**

Challenge in the instant writ petition is to the order dated 31.07.2014 Annexure P-2 whereby the petitioner has been posted at a different place from the place where he was earlier transferred vide order dated 15.07.2014.

2. According to the counsel for the petitioner, since the earlier order dated 15.07.2014 stood executed and attained finality, there could not have been modification of the same order by the State Government. Counsel for the petitioner refers to an order passed by this court in W.P. (S) No. 4142 of 2014 whereby the petition preferred by respondent No.5 Dr. Rajendra Kumar Gupta has been disposed of by this Court vide order

dated 14.08.2014 and prays that the present case may also be decided in similar terms.

3. Counsel appearing for the parties do not dispute that the present writ petition being identical and similarly placed can also be decided in terms of the order passed by the Co-ordinate Bench of this Court in W.P. (S) No. 4142 of 2014 dated 14.08.2014.

4. Without entering into the merits of the case, State counsel at this juncture, on instruction, submits that the State, as of now, would not insist upon the implementation of the impugned order dated 31.07.2014 so far as the petitioner as well as the respondent No.5 is concerned. However, he prays that the State may be granted liberty to pass an order afresh in case the need so arises.

5. In the light of the submission made by the State counsel, nothing further remains to be adjudicated upon.

6. Accordingly, the writ petition is disposed of with a direction that the place where the petitioner and the respondent No.5 are presently discharging their duties shall not be disturbed reserving the right of the State to pass a fresh order of transfer in respect of the petitioner as well as respondent No.5 in case the need so arises.

7. With the aforesaid observation, the instant writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE