

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4021 of 2015**

Shatrughan Lal Chauhan S/o Mehatter Lal Chauhan, Aged About 51 Years Presently Posted As Deputy Ranger Kosamsara, Sonakhan Range, District Balodabazar Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Forest, Mantralay, Mahanadi Bhawan, Naya Raipur. Chhattisgarh.
2. The Divisional Forest Officer, Forest Division, Baloda Bazar, District Baloda Bazar (Chhattisgarh)
3. Panch Ram Yadav, Posted As Forestor, Gindola Arjuni Range, District Baloda Bazar (Chhattisgarh)

---- Respondent

For Petitioners : Mr. Maneesh Sharma, counsel for the petitioner.

For Respondents/State: Mr. Garry Mukhopadhyaya, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board By****04/11/2015**

(1) By order dated 15.09.2015, the petitioner has been transferred from Kasdol Range to Kosmasra Sonakhan Range and he has executed the transfer order and joined at Kosmasra Sonakhan Range on 28.09.2015. Again by order dated 19.10.2015, he has been transferred from Kosmasra Sonakha Range to Arjuni Range.

(2) Learned counsel appearing for the petitioner submits that the executed order cannot be cancelled or amended, when the authorities have power to pass a fresh order in administrative exigency or in

public interest.

(3) Law in this regard has already been settled holding that once the transfer order has been executed or given effect to, the authorities cannot cancel the implemented order, though the authorities may pass a fresh order, in administrative exigency, if so required, the earlier order does not remain in existence after the same has been implemented.

(4) This Court, in the identical matters i.e. *Brajendra Singh V. State of Chhattisgarh & others*¹, *Dr. Toshan Lal Todar v. State of Chhattisgarh & Others*² and *Khubchand Verma Vs. State of Chhattisgarh & Others*³ observed that once the transfer order is executed, the same cannot be cancelled. It was further observed that the employer is always at liberty to pass an order of transfer and posting the employee keeping in view the administrative exigency and public interest.

(5) The petitioner has already been transferred by order dated 15.09.2015 from Kasdol Range to Kosmasra Sonakhan Range and he has already executed the transfer order and the respondent authority have amended the transfer order, which is in teeth of decision rendered by this Court in case case of *Brajendra Singh* (Supra).

(6) In view of above, the petitioner is directed to make representation to the District Forest Officer, Baloda Bazar within four weeks from today, and in turn, the DFO shall pass the order keeping in view the decision of this Court rendered in the matter of *Brajendra Singh* (supra) as early as possible preferably within a period of four

1 WP (S) No. 5012/2009, decided on 9.3.2010

2 WP (S) No.855/2012, decided on 27.2.2012

3 WP (S) No.1054/2012, decided on 2.3.2012

weeks from the receipt thereof.

(7) With the aforesaid direction, the petition stands finally disposed of.

(8) Till the representation is decided and communicated to the petitioner, the order dated 19.10.2015 shall remain stayed in respect of the petitioner.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-