

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2927 of 2012

- J.R.Rathia S/o Late Shri N.R. Rathia Aged About 51 Years Currently Working As Sub Divisional Officer Janakpur Manendragarh Forest Division R/o Forest Compound Janakpur Tehsil Bharatpur Distt. Koriya C.G.

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary Forest Department, DKS Bhawan, Raipur C.G.
2. Principal Chief Conservator Of Forest, Chhattisgarh Forest Deptt. Aranya Bhavan Jail Road Raipur, District Raipur (C.G.)
3. Managing Director, Chhattisgarh State Minor Forest Produce (Trading and Development, Cooperative Federation, VIP Estate, Near VIP Club,Khamhardih, Raipur, District Raipur, (C.G.)

---- Respondent

---

|                       |                                          |
|-----------------------|------------------------------------------|
| For Petitioner        | Mr. K. Shakeel, Advocate                 |
| For Respondent /State | Mr. Shashank Thakur, Government Advocate |

---

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

5/10/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner, who is working as Assistant Conservator of Forest is challenging the legality and validity of the order (Annexure P/1), whereby, he has been posted on deputation as Deputy Managing Director, District Union, Baikunthpur.

(3) Admittedly, the office of Deputy Managing Director, District

Union, Baikunthpur, is an office under the C.G. State Minor Forest Produce (Trading and Development) Cooperative Federation Ltd., which is a registered Cooperative Society under the C.G. Cooperative Societies Act, 1960. In a similar matter i.e. *S.S. Kanwar vs. State of Chhattisgarh and others, 2011(2) C.G.L.R.W. 58*, this Court has quashed a similar impugned order, wherein, a forest officer was sent on deputation to the same Federation.

(4) Since the issue has already been settled that a person appointment in a particular cadre, in a Government Department, cannot be sent to foreign service in some other department or body without his consent, as has already been held in *S.S. Kanwar (Supra)*, the impugned order is quashed.

(5) The writ petition stands accordingly allowed.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna