

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1218 of 2015

1. Suneshwar Prasad Sahu, S/O Late Baldu Ram, Fisheries Inspector Aged About 54 years O/O Assistant Director, Fisheries, Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Fisheries Deptt. Mantralaya, Naya Raipur Chhattisgarh
2. Director, Directorate Of Fisheries, Indravati Bhavan, Raipur Chhattisgarh
3. Assistant Director Fisheries District Bemetara Chhattisgarh
4. Anil Chaubey S/O Virendra Kumar Chaubey Fisheries Inspector O/O Assistant Director Fisheries Balod Chhattisgarh

---- Respondent

For Petitioner	Shri Raja Sharma, Advocate
For Respondent/State	Shri Arvind Dueby, Panel Lawyer
For Respondent No.4	Ms. Naushina Ali, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/06/2015

Heard learned counsel for the parties.

1. Petitioner is assailing the order dated 27-3-2015 whereby the State Government while considering the representation preferred

by the respondent No.4 has cancelled the earlier transfer order dated 15-7-2014 *qua* the said respondent as well as the petitioner.

2. By order dated 15-7-2014 the petitioner was transferred at his own request from the office of the Assistant Director, Fisheries, Korba to the office of the Assistant Director, Fisheries, Bemetara. By the same order the respondent No.4 was transferred from the office of the Assistant Director, Fisheries, Bemetara to the office of the Assistant Director, Fisheries, Balod, on administrative grounds.
3. The respondent No.4 preferred WP (S) No.3715 of 2014 (**Anil Chaubey v. State of Chhattisgarh & Others**), which was disposed of by this Court on 30-7-2014 directing the State Government to decide his representation.
4. It is brought to the notice of this Court that during pendency of his representation, the respondent No.4 has already informed the State Government that he is willing to comply the transfer order to work at Balod. Before this Court also the respondent No.4 has filed affidavit that he is willing to serve in the office of the Assistant Director, Fisheries, Balod.

5. In view of the above, since the impugned order has been passed while considering the representation preferred by the respondent No.4, but the said respondent had already withdrawn the representation and has filed affidavit before this Court also for his willingness to serve at Balod, the impugned order, which is otherwise passed without giving any opportunity of hearing to the petitioner although it effects his posting also, is set aside. Consequently, the petitioner (Suneshwar Prasad Sahu) would remain at Bemetara and the respondent No.4 (Anil Chaubey) would remain at Balod.
6. Accordingly, the writ petition is disposed of. No order as to costs.

Sd/-

J u d g e
(Prashant Kumar Mishra)

Gowri