

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 959 of 2015**

- K. P. Patel S/o Shri Tikaram Patel, Aged About 56 years Working as Fisheries Inspector In The Office Of Deputy Director Fisheries, Behind Collector Banglow Durg, District Durg (C.G.)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh, Through The Secretary, Agriculture (Fisheries) Department, Mahanadi Bhavan, Mantralyaa, New Raipur, District Raipur (C.G.)
2. Director, Fisheries, Chhattisgarh Indirawati Bhavan, 4<sup>th</sup> Floor, New Raipur (C.G.)
3. Deputy Director, Fisheries, Block Dhamdha, District Durg (C.G.)
4. Vivek Vaidya S/o Late Shri Dinesh Chandra Vaidya, Aged About 54 Years, Fisheries Inspector, In the Office Of Deputy Director, Fisheries, Block Dhamdha, District Drug (C.G.)

**---- Respondents**

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| For Petitioner       | : Shri H.B. Agrawal, Sr. Advocate with Shri Pankaj Agrawal and Ms. Preeti Yadav, Advocates |
| For Respondent/State | : Shri Mazid Ali, Panel Lawyer                                                             |
| For Respondent No.4  | : Shri A.V. Sridhar, Advocate                                                              |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**23/06/2015**

1. Petitioner is assailing the impugned order dated 12/03/2015 (Annexure-P/6) passed by the State Government in the Department of Fisheries, whereby petitioner's earlier transfer order has been cancelled.
2. Facts of the case, briefly stated, are that by order dated 15/07/2014 the petitioner who is working as Fisheries Inspector was transferred from the Office of Assistant Director (Fisheries), Block Saja, District Bemetara to Office of Deputy Director (Fisheries), Block Dhamdha, District Durg at his own request. By the same order the respondent No. 4 Vivek Vaidya, who is also working as Fisheries Inspector was transferred and posted to the office where

the petitioner was working just prior to the transfer order. Challenging the transfer order, respondent No. 4 preferred writ petition bearing W.P.(S) No. 3714 of 2014, the said petition was dismissed on 30<sup>th</sup> July 2014, however, the respondent No. 4 was permitted to move representation before the Committee of Senior Secretaries, in terms of the transfer policy.

3. While deciding the representation filed by the respondent No. 4, the State Government did not notice the petitioner and thus he was not afforded any opportunity of hearing even though he was a party in the earlier W.P.(S) No. 3714 of 2014 and was duly represented by his lawyer.

4. Shri Agrawal, learned counsel for the petitioner would submit that on the date when the impugned order was passed the petitioner had already executed the transfer order, therefore, the same cannot be cancelled.

5. Considering the entire facts situation of the case and more particularly the reason that while deciding the representation filed by the respondent No. 4, the State Government should have afforded opportunity of hearing to the petitioner also, the writ petition is disposed of with a direction to the Committee of Senior Secretaries to decide the representation of the respondent No. 4 afresh by hearing the said respondent, as well as the petitioner. Both the parties would be at liberty to raise all such grounds which are available to them. The authority shall consider the matter without being influenced by its previous order or any observation made therein and decide the matter within six weeks from the date of submission of certified copy along with fresh representation by both the parties.

6. Accordingly, the writ petition stands disposed of in the above terms.

7. The interim order granted on 10/04/2015 shall continue till the representation is decided.

Sd/-  
JUDGE

(Prashant Kumar Mishra)