

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 509 of 2015**

- G.R. Ahir (Girdhar Rao Ahir) S/o Late Shri Ramrao Ahir Aged About 54 Years Block Extension Officer, Janpad Panchayat Kansabel, Block & Police Station - Kansabel, Distt. Jashpur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through- The Secretary, Panchayat & Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, Distt.- Raipur (C.G.)
2. The Chief Executive Officer Jandpad Panchayat Kansabel Distt. Jahspur (C.G.)
3. The Chief Executive Officer Janpad Panchayat Bilha, Distt. Bilaspur C.G.
4. D.R. Jogi Block Extension Officer R/o Village+ Post+ Tahsil Pandariya, Distt. Kabeerdham (C.G.)

---- Respondents

For Petitioner	:	Shri Rishi Rahul Soni, Advocate
For Respondents-State	:	Shri DK Wankhede, GA for the State
For Respondent No.2	:	Shri Sushil Dubey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****12/10/2015**

1. Petitioner, who is working as Block Extension Officer, Janpad Panchayat, Kansabel, was transferred from Kansabel to Bilha and respondent No.4 D.R. Jogi was transferred in his place from Bilha to Kansabel vide order dated 15-7-2014. When the petitioner was not relieved from Kansabel to enable him to join at Bilha, he preferred WPS No.4837/2014, which was disposed of on 12.09.2014 directing the respondents to relieve the

petitioner, subject, however, to compliance of any other order/instructions pertaining to relieving of the transferred employees working in scheduled area. In the meanwhile, respondent No.4 had moved a representation for cancellation of his transfer and the said representation was allowed, consequently, his transfer to Kansabel has been cancelled.

2. In this petition, the petitioner has prayed for quashment of the order Annexure P-1 by which the CEO, Janpad Panchayat, Kansabel has informed him that the petitioner shall be relieved, as soon as, the reliever joins on the post at Kansabel. The petitioner has also prayed for issuance of a direction to respondent No.2 to immediately relieve him for his joining at Kansabel.
3. It is settled law that writ Court do not issue futile writs. The petitioner was earlier transferred to Bilha, where respondent No.4 was posted but since thereafter the transfer order, in respect of respondent No.4 has been cancelled and he remains at Bilha. Thus, there is no post available for the petitioner to join at Bilha. Thus, by subsequent event, the cause of action accrued in favour of the petitioner pursuant to the order dated 15.07.2014 has been rendered ineffective and infructuous, therefore, this Court cannot issue a writ directing the respondents to allow the petitioner to joint at Kansabel.
4. For the foregoing, the writ petition deserves to be and is hereby dismissed, however, if the administrative exigencies so warrant, the respondents may pass fresh order in respect of the petitioner.

Sd/-
Judge
Prashant Kumar Mishra

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