

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3729 of 2015**

- S. R. Banjare S/o Sarju Das Banjare, Aged About 60 Years Occupation Service, Presently Posted As Sub Divisional Officer (Forest), Jashpur, District Jashpur, (Chhattisgarh), R/o H I G 4, Laxmi Nivas Colony, Old Sarkanda, Bilaspur, (Chhattisgarh). Presently R/o Forest Colony, Milan Chowk, Jashpur, Dist. Jashpur (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. L. K. Choudhary, Deputy Managing Director, District Union, Kanker, Distt. Kanker, (Chhattisgarh)
3. District Union, Janjgir- Champa, Through Its Chief Executive Officer.

---- Respondents

For Petitioner	:	Shri Rajeev Shrivastava, Advocate
For Respondents-State	:	Shri S. Majid Ali, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/10/2015**

1. After hearing learned counsel for the petitioner office objection is overruled.
2. Learned counsel for the petitioner would submit that in similar matter i.e. in the matter **of J.R. Rathia Vs. State of Chhattisgarh and others** {WPS No.2927/2012}, this Court has taken a view that posting of a forest officer with the C.G. State Minor Forest Produce (Trading and Development) Cooperative Federation Ltd. amounts to deputation which cannot be made

without obtaining consent from the officer concerned.

3. In the matter of **J.R. Rathia** (*supra*) after relying on the earlier order passed by the co-ordinate Bench of this Court in S.S. Kanwar vs. State of Chhattisgarh and others, 2011(2) C.G.L.R.W. 58 has held thus,

“(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.”

4. The matter being similar, the impugned order in respect of the petitioner is quashed and the petition is allowed.

Sd/-

Judge

Prashant Kumar Mishra

ashu