

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 149 of 2015

1. L. K. Choudhary S/o T.L. Choudhary, Aged About 58 Years Presently Posted And Working As Sub Divisional Officer (Forest), Jashpur Forest Division, Jashpur, Dist. Jashpur, Chhattisgarh(Respondent No.2 In Writ Petition)

---- 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(Respondent No.1 In Writ Petition)
2. District Union, Janjgir-Champa, Through Its Chief Executive Officer(Respondent No.3 In Writ Petition)
3. 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 In Writ Petition)

---- Respondent

For Petitioner	Shri V.R. Tiwari, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate
For Respondent No.3	Shri Rajeev Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/02/2016

1. The review petitioner herein was arrayed as respondent No.2 in WPS No.3729 of 2015, which was allowed by this Court on 14-10-2015 without issuing notice to the review petitioner.
2. In WPS No.3729 of 2015 the petitioner S.R. Banjare had challenged his transfer from the post of Sub Divisional Officer (Forest), Jashpur to Deputy Managing Director, District Union, Janjgir-Champa on the ground that the Minor Forest Produce Federation (for short 'the Federation') being a Cooperative Society and not any office under the State Government, the transfer order, in fact, amounts to deputation, which cannot be made without seeking prior consent of the employee.
3. The writ petition was allowed at the admission stage in view of the law laid down by this Court in **J.R. Rathia v. State of Chhattisgarh and Others** (WPS No.2927 of 2012).
4. In the present review petition, it is argued that the State Government has sanctioned 39 posts of Assistant Conservator of Forest (for short 'the ACF') for their posting in the Federation, therefore, the ACF being made part of the Federation set up, the transfer order does not amount to deputation.

5. In the considered opinion of this Court, the said order of creation of post for the need of Federation would not change the nature of the order impugned in the writ petition because the Federation is not a part of Department of Forest. Posts may have been created because ACFs are needed to be posted on deputation in the Federation but such creation do not make the Federation a part of the set up of the Forest Department itself.
6. There being no apparent error on the face of record in the order dated 14-10-2015 passed by this Court in WPS No.3729 of 2015, which is sought to be reviewed herein, this review petition has no merits.
7. In the result, the review petition is liable to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Gowri