

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1626 of 2016

Pramod Shukla S/o Shri Hetram Shukla, Aged About 58
Years R/o Village Saliyapara, Post & Tahsil Pali, Civil &
Revenue District Korba (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary,
Department Of Urban Administration And Development,
Mahanadi Bhavan, Mantralaya, Naya Raipur, District
Raipur (Chhattisgarh)
2. The Joint Secretary, Department Of Urban Administration
And Development, Mahanadi Bhavan, Mantralaya, Naya
Raipur, District Raipur (Chhattisgarh)
3. The Deputy Collector, Raigarh, District Raigarh
(Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Sudeep Agrawal, Advocate.
For State	:	Mr. B. Gop Kumar, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/05/2016

Heard on admission.

The petitioner has challenged the legality and validity of order dated 23.04.2016 (Annexure P/1) by which the respondents have amended order dated 12.02.2016 on the submission that the order dated 12.02.2016 was challenged before this Court by filing a petition WP(S) No.663 of 2016. The petition was allowed and the order was quashed. It is submitted that the order which has already been quashed could not be amended. The petitioner has also challenged the order on the ground of frequent transfer. The petitioner cannot raise any such grievance. The petitioner, himself, has challenged the order dated 12.02.2016 and it was in compliance of the order passed

by this Court that the petitioner's posting has now been changed and he has been posted within his own cadre.

Learned State counsel submits that the order is administrative in nature and by this order, the petitioner's posting has been changed and he has now been transferred and posted as Chief Municipal Officer, Nagar Palika Parishad Kumhari.

This Court has quashed order dated 12.02.2016. As the order was quashed, there was no occasion to say that it is being amended. Therefore, the part of the order to the extent it seeks to amend the earlier order dated 12.02.2016 is illegal. The order is quashed to the extent however, the other part of the order directing posting of the petitioner as Chief Municipal Officer, Nagar Palika Parishad Kumhari is not liable to be interfered with because it is found that the petitioner has been transferred within his own cadre.

To the extent indicated above, the petition is partly allowed.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E