

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4017 of 2016

- Hetram Patel S/o Late Shri Guharam Patel, Aged About 53 Years
Nagar Panchayat, Shivrinarayan, District Janjgir Champa
Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Department Of Personnel And Training,
Ministry Of Personnel Public Grievances And Pensions 3rd Floor,
Lok Nayak Bhawan Khan Market, New Delhi 110003
2. State Of Chhattisgarh Through Principal Secretary, Department Of
Urban Administration And Development, Mahandi Bhawan New
Capital Complex, New Raipur, District Raipur Chhattisgarh
3. State Of Madhya Pradesh, Through Principal Secretary Department
Of Urban Administration And Development, Pallabh Bhawan,
Mantralaya Bhopal M.P.
4. State Of Madhya Pradesh, Through Principal Secretary, Department
Of General Administration, Vallabh Bhawan, Mantralaya, Bhopal
M.P.

---- Respondents

For Petitioner	:	Mr. Sudeep Agrawal, Advocate
For U.O.I.	:	Mr. Ramakant Pandey, Advocate
For State	:	Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/10/2016

1. The present Petition has been filed assailing the order dated
01.08.2016 whereby the services of the Petitioner have been
allocated to the state of Madhya Pradesh. Vide the said order the
Petitioner has been ordered to be posted at Madhya Pradesh and
the services of the Petitioner have been ordered to be relieved from
the services under the State Government of Chhattisgarh.

2. The petition was filed as early as on 16.08.2016. While passing the impugned order Annexure P/1 it was observed by the Chhattisgarh Government that since the status of Madhya Pradesh as well as the concerned body in which the Petitioner was initially appointed have not granted No objection in respect of him to be retained in the service of the State of Chhattisgarh impugned order had to be issued.
3. At this juncture learned Counsel for the Petitioner submits that the pending the petition the Petitioner have been able to obtain "No Objection" from the state of Madhya Pradesh vide their letter dated 07.09.2016 and have also got a similar letter of No objection from the concerned Municipality where the Petitioner was initially appointed.
4. Learned Counsel for the Petitioner further prays that in the light of the subsequent development that has arisen in as much as appointing authority where the Petitioner was initially appointed as well as State of Madhya Pradesh having granted No Objection, in the said peculiar facts and circumstance of the case the Respondent may re-consider the case of the Petitioner for retaining him in the service of the State Government of Chhattisgarh which is the state where he has stayed as well as he has been in service for the last two decades continuously.
5. The said prayer of the Petitioner has not been opposed by the Counsel for the Respondents.
6. Accordingly, at the request of the Counsel for the Petitioner and that it is not opposed by the Respondents, the present Petition stands disposed of with a direction to Respondent No.2, that if the Petitioner makes a representation in this regard along with the orders of No

Objection received from the concerned municipality as well as State of Madhya Pradesh to Respondent No.2 within a period of 15 days from the date of receipt of the certified copy of this order, it is expected that Respondent No.2 shall in turn take a prompt decision on the said representation preferably within a period of 45 days from the date of the receipt of the representation.

7. With the aforesaid observation the Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge