

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5601 of 2016**

M. S. Nagesh S/o Late Shri K. S. Nagesh, Aged About 53 Years R/o Near Block Office Kartala, P.S. Kartala, Civil And Revenue District Korba, (Chhattisgarh).

**---- Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Schedule Caste And Schedule Tribe Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. The Collector, Korba, District Korba, (Chhattisgarh).

**---- Respondents**

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For Petitioner : Shri Vaibhav P Shukla, Advocate.  
For Respondents/State : Shri Chandresh Shrivastava, Panel Lawyer.

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****07/10/2016**

1. The present petition has been filed by the petitioner assailing his order of transfer from Janpad Panchayat, Kartala to Janpad Panchayat, Pali.
2. According to the petitioner, he could not resume his post at Pali on account of fact that the Chief Executive Officer who was posted at Pali has already challenged his transfer order in WPS No.5093 of 2016 and has got interim order dated 22.09.2016, and therefore, the present petitioner is not in a position to be relieved from the present place of posting to join at Pali, and therefore prays for quashment of his transfer order.

3. Learned counsel for the State at this juncture submits that so far as present petitioner is concerned, his order of transfer has been kept in abeyance as long as the reliever in place of petitioner namely V.K. Rathore comes and assume his charge. According to State counsel as of now the grievance of the petitioner is redressed as the order of transfer is kept abeyance temporarily. He further submits that in case at a later stage, if the situation arises, the petitioner shall be at liberty to avail the remedy available to him in accordance with rules. Therefore, the present petition at this stage is premature and deserves to be dismissed.
4. In view of above statement made by the State counsel, learned counsel for the petitioner seeks to withdraw this petition with liberty to challenge the action of the respondents in case if at a later stage the petitioner is forcibly relieved and directed him to join at Pali where Shri Mohit Ram Kaiwart is continuing on account of an interim order passed by this court on 22.09.2016 in WPS No. 5093 of 2016.
5. With the aforesaid liberty, the writ petition is dismissed as withdrawn. No order as to costs.

Sd/-  
(P.Sam Koshy)  
**Judge**