

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4369 of 2017

- Vinod Kumar Rajak S/o Shri C.R. Rajak, Aged About 58 Years R/o House No. 3, Employees Colony Simga, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantraya, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. Executive Engineer, Rural Engineering Service, A Wing Of Department Of Panchayat And Rural Development, Division Balod, District Balod, Chhattisgarh.

---- Respondent

And

WPS No. 5267 Of 2017

- Vinod Kumar Rajak S/o Shri C R Rajak Aged About 58 Years R/o House No. 3, Employees Colony Simga Police Station Simga District Baloda Bazar Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat & Rural Development Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. The Chief Engineer, Rural Engineering Service, O/o Development Commissioner Raipur Chhattisgarh.
3. Executive Engineer, Rural Engineering Service , A Wing Of Department Of Panchayat And Rural Development Division Balod District Balod Chhattisgarh.

---- Respondents

For Petitioners	:	Shri N. N. Roy, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/10/2017

Heard.

2. By this common order, both the petitions are disposed off by a common order.

3. By this petition, the petitioner, Assistant Engineer, has challenged legality and validity of impugned transfer order dated 12-08-2017, by which, he was transferred from Tilda to Balod though there is no vacant post of Assistant Engineer at Balod. Against which, writ petition (WPS No.4369 of 2017) was preferred and vide order dated 31-08-2017, State counsel was granted time to file reply and transfer order was stayed. Later on, the State Government passed a fresh order dated 06-09-2017 in modification of the earlier order with a direction to the petitioner to join at Balod as In charge Executive Engineer, which is a higher post. This order has been challenged in a subsequent petition (WPS No.5267 of 2017) filed by the petitioner on the ground that despite stay order passed by this Court, this kind of arrangement is being made only to overreach the interim order passed by this Court. It is not the case of the petitioner that in view of the interim order passed by this Court, the petitioner was compelled to proceed. The transfer order firstly suffered from defect and in order to cure the defect, subsequent order dated 06-09-2017 was passed.

3. In my opinion, the impugned order dated 06-09-2017 does not prejudice the petitioner as he was posted as Incharge Executive Engineer, maintaining his seniority. The petitioner has remained posted at Tilda since last 9 years.

4. In view of above, no ground is made out calling for interference in the impugned order dated 06-09-2017 and 12-08-2017.

5. In the result, the first petition (WPS No.4369 of 2017) is rendered infructuous and the second petition (WPS No.5267 of 2017) is dismissed.

SD/-
(**Manindra Mohan Shrivastava**)
Judge