

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3570 of 2017

A.P.Kashyap S/o Late Shri Chhunni Lal Kashyap, Aged About 56 Years R/o Shanti Nagar, Ring Road No. 2, Police Station Civil Lines, Bilaspur Civil & Revenue District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Municipal Council, Takhatpur, Through Its Chief Municipal Officer, Takhatpur, District Bilaspur Chhattisgarh.
3. Municipal Council, Bemetara, Through Its Chief Municipal Officer, Bemetara, District Bemetara Chhattisgarh.
4. Naveennath, Assistant Engineer, Municipal Corporation, Korba, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sunil Otwani, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/08/2017

Heard.

1. The short ground on which the transfer order is under challenge is that while petitioner was continuing at Takhatpur by virtue of interim order passed in WPS No.5548 of 2014, a new transfer order has been passed without seeking leave of the Court.
2. Learned counsel for the State submits that as the petitioner was continuing by virtue of interim order at Takhatpur, now fresh order has been passed transferring him.

3. As long as the interim order was in force, the respondents could not have again transferred the petitioner without seeking leave of this Court. On this short ground, the impugned order in respect of the petitioner is quashed. However, it will be open for the respondents to take decision with regard to transfer if administrative exigency and public interest so arises.
4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen