

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2172 of 2017

- Dr. Jainendra Suryavanshi S/o Shri Jawahar Lal Suryavanshi, Aged About 41 Years Posted As Veterinary Assistant (Surgeon) At Diseases Research Laboratory, Janjgir Champa ; R/o Village Gatora, Tahsil Masturi, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Veterinary & Animal Husbandry Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh),
2. Under Secretary, State Of Chhattisgarh, Veterinary & Animal Husbandry Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. Director, Directorate Of Veterinary Services, Raipur (Chhattisgarh)
4. Deputy Director, Veterinary Services, Janjgir Champa, District Janjgir Champa (Chhattisgarh)
5. Dr. Anjani Kumar Pandey, Posted As Veterinary Assistant (Surgeon) At Poultry Farming Region Baikunthpur District Koriya (Chhattisgarh)

---- Respondents

And

WPS No. 2228 Of 2017

- Dr. Anand Singh Raghuvarshi S/o Late Shri M.S. Raghuvarshi Aged About 47 Years Occupation - Assistant Veterinary Surgeon, Veterinary Hospital, Belgahna, Block- Kota, District Bilaspur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Animal Husbandry & Veterinary Services, Mahanadi Bhavan, Mantralay, New Raipur, District- Raipur, Chhattisgarh.
2. The Under Secretary Department Of Animal Husbandry &

Veterinary Services, Mahanadi Bhavan, Mantralay, New Raipur,
District- Raipur, Chhattisgarh.

3. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District- Raipur, Chhattisgarh.
4. Dr Anjani Kumar Pandey, Veterinary Assistant Surgeon Government Poultry Farm, Baikunthpur, District Koriya, Chhattisgarh

---- Respondents

For Petitioners	Shri Jitendra Pali, Advocate in WPS No.2228/2017 and Shri Ishan Verma, Advocate in WPS No.2172/2017
For Respondent-State	Shri Sameer Behar, PL
For Respondent Dr. Anjani Kumar Pandey	Shri Anand Shukla and Shri Parag Kotecha, Advocates

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/11/2017

1. The petitioners and private respondents in both the petitions are involved in a musical chair race shifting each other from one station to another. Vide order dated 25.07.2016, the petitioner Jainendra Suryavanshi was transferred from the Veterinary Hospital, Pamgarh, District Janjgir-Champa to Veterinary Diseases Research Laboratory, Janjgir-Champa. In the same order, Dr. Anand Singh Raghuvanshi was transferred from Veterinary Hospital, Belgahana to the Artificial Insemination Centre, Jashpur, whereas common private respondent Dr. Anjani Kumar Pandey was transferred from Poultry Form (Kukutpalan Kshetra), Baikunthpur, District Koriya to the Pig Farming Centre,

Kunkuri, District Jashpur.

2. Assailing his transfer from one schedule area to another schedule area despite the fact that he is working for more than two decades in schedule area, Dr. Anjani Kumar Pandey preferred WPS No.3406/2016, which was disposed of directing the respondents to consider his representation on the ground that he is posted in schedule area for last 25 years, therefore, he should be considered for posting outside the schedule area. The representation was rejected on 12.09.2016, which gave rise to the second petition i.e. WPS No.5581/2016, which was allowed by this Court on 23.02.2017 quashing the transfer order of the respondent No.5 and directing the State to consider his posting to a non schedule area. By order dated 25.04.2017 under assail in WPS No.2172/2017, the State Government directed the respondent No.5's posting at Veterinary Hospital, Belgahana and the petitioner of this petition Dr. Jainendra Suryavanshi was transferred showing him to be posted at Pamgarh, District Janjgir-Champa to Poultry Form, Baikunthpur, District Koriya.
3. The other writ petitioner Dr. Anand Singh Raghuvanshi in WPS No.2228/2017 had preferred WPS No.3939/2016 challenging his transfer to Jashpur. The writ petition was disposed of on 22.08.2016 directing the State to consider his representation, however, this Court did not grant any interim relief to Dr. Anand Singh Raghuvanshi. When without deciding his representation, Dr. Anjani Kumar Pandey was posted at Belgahana, Dr. Anand Singh Raghuvanshi preferred WPS No.2228/2017, wherein an

interim order of status quo was granted in his favour on 15.05.2017 and now his representation has been rejected by the State Government vide order (Annexure-R-1).

4. It appears, the posting of Dr. Anjani Kumar Pandey at Belgahana has occasioned for giving effect to the order passed by this Court in WPS No.5581/2016. Even if Dr. Anjani Kumar Pandey has once again been transferred to a schedule area but it is for Shri Pandey to assail that order. Any person who is not a party to that order of the State Government or for that matter, the order passed by this Court in WPS No.5581/2016 is not allowed to assail the order collaterally while arguing the present petition. Even action for contempt can be initiated by the party aggrieved and not by any third party.
5. Reverting back to the petition filed by Dr. Jainendra Suryavanshi, he is transferred from Pamgarh to Baikunthpur, wherefrom Dr. Anjani Kumar Pandey would come to Belgahana. Thus, Dr. Jainendra Suryavanshi would relieve Dr. Anil Kumar Pandey, but Dr. Anil Kumar Pandey cannot join at Belgahana unless Dr. Anand Singh Raghuvanshi joins at his transferred place i.e. from Belgahana to Jashpur. In this chain of transfers, the only solution is to give effect to the order passed by this Court, therefore, the petition filed by Dr. Anand Singh Raghuvanshi deserves to be and is hereby dismissed, because allowing this petition would break the entire chain and would otherwise be in contradiction to the order passed by this Court in WPS No.5581/2016. WPS No.2228/2017 is therefore dismissed.

6. As a result of dismissal of WPS No.2228/2017, now Dr. Anil Kumar Pandey shall join at Belgahana, whereas Dr. Jainendra Suryavanshi shall remain at his present place of posting within District Janjgir-Champa.
7. WPS No.2172/2017 is thus disposed of in the above stated terms.

Sd/-

Judge

Prashant Kumar Mishra

Nirala