

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.228 of 2018

Dev Singh Uike, Aged about 50 years, S/o Late Shri Laxman Singh,
R/o J.P. Vihar Colony, Near Bhatiya Regency, Mangla, Police Station
Civil Lines, Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Revenue and Disaster Management Department, Naya Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (C.G.)
2. Secretary, Housing and Environment Department, Naya Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (C.G.)
3. Additional Secretary, Revenue and Disaster Management Department, Naya Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (C.G.)
4. Collector, Bilaspur (C.G.)

---- Respondents

For Petitioner: Mr. Mateen Siddiqui, Advocate.

For Respondents/State: Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/01/2018

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner has been sent on deputation to the Naya Raipur Development Authority without taking his consent which runs contrary to the decisions rendered by the Supreme Court in the matters of **Kunal Nanda v. Union of India and another**¹ and **Prasar Bharti and others v. Amarjeet Singh and others**².
3. Learned State counsel would support the impugned order.

1 (2000) 5 SCC 362

2 AIR 2007 SC 1269

4. The Supreme Court has held in **Prasar Bharti** (supra), as under: -

“14. There cannot be any doubt whatsoever that ordinarily no employee can be transferred without his consent from one employer to another. [See Jawaharlal Nehru University v. Dr. K.S. Jawatkar and Ors. [(1989) Supp. (1) SCC 679]. But, the said principle has no application in the instant case.”

5. Be that as it may, it does not reflect from the impugned order that the petitioner's consent has been obtained for deputing him in the Naya Raipur Development Authority. Therefore, the petitioner is directed to make a representation within 10 days from today before respondent No.1 and in turn, respondent No.1 shall consider the representation in light of the decision rendered by the Supreme Court in **Prasar Bharti** (supra) within six weeks from the date of receipt of representation and for ten weeks, effect and operation of the order impugned shall remain stayed. The petitioner will be allowed to continue at the present place of posting on the said post and be paid salary on the said post.
6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge