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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 879 of 2009**

M.M. Maulasariya, Age about 45 years, S/o Shri Vishwanath Maulasariya, R/o 3- State Bank Colony, Taigore Nagar, Raipur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Health and Family Welfare Department 154, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
2. Secretary, General Administration Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
3. Controller Foods and Drugs Administration Foods and Drugs Inspection Laboratory, Kalibari, Raipur (C.G.)
4. Chhattisgarh Lok Ahog, Through its Secretary, Gandhi Chowk, Raipur (C.G.)

---- Respondent

For Petitioner: Mr. Jitendra Pali, Advocate.
For State : Mr. R.N. Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/01/2018**

(1) This writ petition is directed against the order passed by Chhattisgarh Lok Ayog dated 30.12.2008 and 14.01.2009 by which a direction has been issued that the petitioner be relieved to join his services in the State of Madhya Pradesh; and further directed that the implementation of the order be made within three months from the date of issuance of the order.

(2) Learned counsel appearing for the petitioner would submit that the

Chhattisgarh Lok Ayog has no jurisdiction and authority to direct the respondent No. 3- competent authority to relieve the petitioner for the State of Madhya Pradesh as it is exclusive domain of the State of Chhattisgarh to relieve the petitioner or not to relieve the petitioner, as such, no such direction can be issued by the Chhattisgarh Lok Ayog , therefore, the impugned orders are liable to be set aside.

(3) Per contra, Shri R.N. Pusty, learned Govt. Advocate for respondents No. 1 to 3 would submit that on account of shortage of Drug Inspectors in the State of Chattisgarh, the petitioner was not relieved by respondent No. 3- competent authority and even mutual transfer of the petitioner with other officer of the State of Madhya Pradesh is under consideration.

(4) None appeared for respondent No. 4, though served.

(5) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(6) Chhattisgarh Lok Ayog, by its impugned order dated 30.12.2008, has stated that the petitioner be relieved for the State of Madhya Pradesh immediately, failing which, it will be treated as misconduct; and further directed by its order dated 14.01.2009 that the order dated 30.12.2008 be implemented within a period of three months.

(7) This Court in the matter of **S.P.R. Sharma Vs. State of Chhattisgarh**¹ has held that duty and function of the Lok Aayog is only recommendatory in nature and no direction can be issued by the Chhattisgarh Lok Ayog.

¹ W.P. (S) No. 4810/2015, decided on 26.02.2016

(8) In view of the settled legal position, it is held that direction issued by Lok Ayog is unauthorized and contrary to law, therefore, impugned orders dated 30.12.2008 & 14.01.2009 are liable to be and are hereby set aside. Those orders be treated only as recommendation.

(9) Accordingly, the writ petition is allowed to the extent indicated hereinabove. So far as, application for amendment is concerned, it is rejected. However, the petitioner is at liberty to file fresh petition in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

