

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.1994 of 2018**

- Rajkumar Chauhan S/o Late Shri Ferulal Chauhan Aged About 49 Years
R/o Old Irrigation Colony Janjgir Champa Occupation Service Truck
Driver , Hasdev Nahar Jal Praband Division District Janjgir Champa
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Irrigation Department
Mahanadi Bhawan Mantralaya Naya Raipur Police Station Naya Raipur
District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector , Janjgir Champa , District Janjgir Champa Chhattisgarh.,
District : Janjgir-Champa, Chhattisgarh
3. Executive Engineer , Hasdev Nahar Jal Praband Division, Janjgir
Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa,
Chhattisgarh

--- Respondents

For Petitioner : Shri B. L. Sahu, Advocate, appears on behalf of
Mayank Kumar, Advocate
For Respondent/State: Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****30/04/2018**

Heard.

2. The petitioner had challenged the government's own instruction dated 04-06-2001, by which, attachment is prohibited.
3. Though number of opportunities including last opportunity was granted to the learned State counsel to justify the attachment of the petitioner and also to come out with the reply as to whether attachment could be ordered in view of the circular dated 04-06-2001, no reply has been filed. The order of attachment

of the petitioner is contrary to circular dated 04-06-2001, which prohibits attachment. Even if it is assumed, for the argument sake, that in appropriate cases, deviation from administrative instructions is permissible in a larger interest of administration, no such reasons have been assigned before this Court.

4. Accordingly, the petition is allowed. Impugned order dated 31-10-2017 (Annexure P/1) is set aside.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E