

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 4192 OF 2018**

Ali Baksh S/o late Shri M. Baksh, aged about 50 years, R/o G-21,
Nagar Nigam Colony, Korba, District Korba (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh, Through The Under Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
3. State Of Chhattisgarh, Through Director, Department Of Urban Administration And Development, Indravati Bhavan, New Raipur, District Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Sudip Agrawal, Advocate.
For Respondent-State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.07.2018

1. Challenge in this writ petition is to the order dated 03.05.2018 (Annexure P/1) whereby the petitioner who was working as Assistant Engineer with the Municipal Corporation, Korba, has been sent on deputation to the Directorate of Urban Administration, Raipur.
2. The contention of the petitioner is that, he has been sent on deputation without his consent and that since the petitioner is substantially an employee under the Municipal Corporation, his services could not have been transferred/deputed to a different department under the State Govt. that too without his consent. Further, the Rule does not permit sending of an employee of Municipal Corporation to the department of the State Govt. The

counsel for the petitioner further submits that under similar facts situation the State Govt. in the past have recalled the transfer order of the State Govt.

3. The State counsel at this juncture submits that let the writ petition itself be disposed of with a direction to the respondent No.1 to reconsider transfer of the petitioner from Korba to Raipur and to pass a fresh order.
4. Perusal of record would show that the petitioner has not filed any representation/objection against the impugned order of transfer to any of the higher authorities and have straightway filed the present writ petition.
5. Given the facts and circumstances of the case let the petitioner now make a representation to the respondent No.1 within a period of 15 days from today, who in turn, shall consider and decide the same within a further period of 45 days.
6. Till any decision is taken by the respondent No.1, the respondents shall be restrained to give effect to the impugned order so far as petitioner is concerned and he would be permitted to perform his duties at Municipal Corporation, Korba.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge