

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 5 of 2019**

(Arising out of order dated 04.12.2018 passed in W.P.(S) No. 7948 of 2018 by the learned Single Judge)

- Dr. Ashwini Dewangon S/o Shri H. P. Dewangon Aged About 37 Years Assistant Commissioner, Office Of Food And Drug Administration, Raipur, District- Raipur, Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Atal Nagar, Police Station- New Raipur, Tahsil And District- Raipur, Chhattisgarh.
2. Secretary Food And Drug Administration Department, Mahanadi Bhawan, Atal Nagar, Police Station- New Raipur, Tahsil And District- Raipur, Chhattisgarh.
3. The Commissioner Safety-Cum-Controller, Food And Drug Administration, Block-1, 4th Floor, Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh.

---- **Respondents**

For Appellant	:	Shri Vaibhav A. Goverdhan, Advocate
For Respondents/State	:	Ms. Richa Shukla, Deputy Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

09.01.2019

1. The transfer order contained in Annexure-P/1 dated 03.10.2018 annexed with the writ application was assailed by the present Appellant. He tried to build up a case that since he was on deputation with the Food and Drugs Department his period of deputation could not be cut short and repatriated back to the parent department by virtue of the notification issued by the parent department dated 03.10.2018.
2. The learned Single Judge while dealing with the factual and legal position was not impressed by such a submission that it was an illegal order passed to deny the Appellant the benefit of deputation.

3. After having perused the records including that of the writ application, we are constrained to record that it was not a *bonafide* writ application on behalf of the Appellant. The plea of deputation was only a case built up to hang on to the post and position where the Appellant had completed more than three years period of service.
4. Annexure-P/1 came to be issued against all such persons who had spent more than three years on a place of posting just before holding of the election for the assembly for the State of Chhattisgarh. There were enmass transfers resorted to at the direction of the Election Commission where persons remaining on a post and position including a station for more than three years were required to be shuffled around.
5. It was probably in this background also that the learned Single Judge decided to also impose cost of Rs.15,000/- on the Appellant.
6. Be that as it may, we are satisfied that in the given facts no interference was required with the impugned order contained in Annexure-P/1 of the writ application by the learned Single Judge or that the order of the learned Single Judge dated 04.12.2018 is required to be interfered with by us. So far as imposition of cost of Rs.15,000/- upon the Appellant is concerned, giving him the benefit of doubt, the said order stands set aside. The appeal is otherwise dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge