

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5982 of 2017

R.K. Banjare S/o Late Shri M. P. Banjare, Aged About 56 Years, R/o House Gypsy 22 Ganpati Vihar, Borsi Durg, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Agriculture Animal Husbandry And Fish Cherishing Department, Mahanadi Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
2. Under Secretary, Agriculture Animal Husbandry And Fish Cherishing Department, Mahanadi Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
3. Director, Fish Cherishing, Indrawati Bhawan, New Raipur, Chhattisgarh.
4. Mohan Lal Rana, Assistant Director Fish Cherishing Department, District Dantewada, Chhattisgarh.

---Respondents

For petitioner	:	Shri T.K.Tiwari, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/01/2019

1. The challenge in the instant Writ Petition is to the order dated 30/10/2017 whereby the representation moved by the petitioner has been rejected.
2. The facts relevant for adjudication of the present Writ Petition is that, the petitioner was originally transferred on 11/08/2017 from District Rajnandgaon to District Dantewada (C.G.).
3. The said order of transfer was challenged in Writ Petition No. 4078/2017.

4. This Court on 28/08/2017 disposed off the said Writ Petition for making a representation and the State Government in turn to decide the same. The petitioner meanwhile was also granted an interim protection.
5. Subsequently, the said representation stood rejected vide order dated 30/10/2017 which led to the filing of the instant Writ Petition.
6. The ground of challenge was that, the observation of the High Court while disposing of first Writ Petition was not taken into consideration by the department.
7. This Court again on 10/11/2017 granted an interim protection to the petitioner for maintaining the status-quo so far as posting is concerned.
8. In the given facts, it is clear that by virtue of an interim protection by this Court, the petitioner has already remained at the present place of posting i.e. at Rajnandgaon for quite sometime.
9. As such, there would not be any necessity for the execution of the two impugned orders under challenge in the instant Writ Petition any further.
10. Accordingly, the Writ Petition stands disposed off with a direction that the respondents shall not act upon the impugned order of transfer dated 11/08/2017 as well as the impugned order of rejection of representation dated 30/10/2017 any further.
11. However, the right of the respondents stands reserved if on administrative exigency, the petitioner is required to be transferred, a fresh order can be passed by the competent authority as per the service rules governing the field.

12. With the aforesaid observation, the writ petition stands disposed off.
Sd/-

(P. Sam Koshy)
JUDGE

Sumit