

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 206 of 2019

Dr. M.B.P. Vishwakarma S/o Bhaiyalal Vishwakarma, Aged About 57 Years, Veterinary Asst. Surgeon And Incharge Veterinary Hospital, Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Animal Husbandary Development, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. Under Secretary, Department Of Animal Husbandary Development, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
3. Director, Directorate Of Veterinary Services, Indrawati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
4. Deputy Director, Directorate Of Veterinary Services, Rajnandaon District- Rajnandgaon, Chhattisgarh.

---Respondents

For petitioner	:	Shri B.P.Singh, Advocate.
For State	:	Shri Salim Kazi, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/01/2019

1. Present is the second round of litigation.
2. The earlier round of litigation was WPS No. 7237/2018.
3. The order involved in the case is the order of transfer dated 06/10/2018 whereby the petitioner has been transferred from Veterinary Hospital Ambagarh Chowki, District Rajnandgaon to Veterinary Hospital, Tongpal, District Sukma.

4. The contention of the counsel for the petitioner is that, though while disposing of the earlier Writ Petition this Court has directed the authorities to decide the representation in accordance with the transfer policy framed by the State Government particularly in respect of the fact that the petitioner having crossed the age of 55 should not as far as possible be transferred to core scheduled area, the petitioner's representation has since been rejected vide Annexure-P/1 which has led to the filing of the instant Writ Petition.

5. The counsel for the petitioner contended that, the representation which the authorities have decided have also still not considered the ground that was raised by the petitioner in the earlier Writ Petition and which was observed by this Court while disposing of the same.

6. The learned State counsel fairly submits that, the said aspect has not been properly dealt with or discussed by the authorities concerned while disposing the representation.

7. Given the aforesaid facts and circumstances of the case, let the respondent No.1 now consider the representation of the petitioner and pass a fresh order and while doing so, the respondents shall take into consideration the policy and guidelines of the State Government so far as the transfer is concerned and they shall also consider the fact that the petitioner as of now is aged around 57 years of age.

8. The petitioner is directed to file a fresh representation to the respondent No.1 within a period of 10 days from today. That on such representation

being received, the respondent No.1 is directed to decide the same within an outer limit of 60 days.

9. Meanwhile, in case, if the order has not been acted upon till date, the petitioner should not be relieved till the representation is finally decided by the respondent No.1 afresh.

10. The Writ Petition accordingly stands disposed off.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE