

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 17 of 2018

- Smt. Shweta Shrivastava (Sinha) W/o Shri Taran Prakash Sinha, Aged About 40 Years Deputy Commissioner (Transport), R/o F-1 Katora Talab, Opposite Surya Apartment, P.W.D. Colony Raipur, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home, D.K.S. Bhawan Mantralaya, Raipur, Chhattisgarh, Now Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
2. State Of Madhya Pradesh, Through Principal Secretary (Home), Vallabh Bhavan, Bhopal, Madhya Pradesh
3. Director General (Police), State Of Chhattisgarh, Raipur, Chhattisgarh
4. Deputy Inspector General Of Police Cum Senior Superintendent Of Police, Durg, Chhattisgarh
5. Deputy Inspector General Of Police (Administration), Police Head Quarter, Raipur, Chhattisgarh

-----Respondents

For Appellant : Shri Rajeev Shrivastava, Advocate
For Respondents/State : Shri Vikram Sharma, Panel Lawyer

**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board**

Per Ajay Kumar Tripathi, Chief Justice
07.03.2019

1. The appellant had earlier moved the learned Single Judge by filing a Writ Application challenging orders passed by the State of Chhattisgarh (CG) contained in Annexures P-15, P-16 and P-17 by virtue of which a sum of Rs.1,84,852/- was sought to be recovered from her on the basis of an order passed by the State of Madhya Pradesh (MP).
2. The facts behind the litigation are that the appellant on the basis of an advertisement issued in the year 1999 by the Madhya Pradesh Public

Service Commission, participated in the examination and came to be selected and appointed on the post of Dy Superintendent of Police. She entered into matrimony from an Officer, who was working in the State of CG. She made a request to the State of MP that she be relieved to join the State of CG which had in the meantime got carved out from the State of MP on 1st November, 2000. In writing she offered to pay or deposit the cost of training to the State of MP in lieu of her being relieved from the State of MP to join the State of CG.

3. She had been relieved and came to join the State of CG but on 18.10.2004 in terms of her undertaking given to the State of MP, they raised a demand of Rs.1,84,852/- as the cost which she was required to pay.
4. The State of CG by issuing Annexures P-15, P-16 and P-17 to the Writ Application, only tried to implement the order passed by the State of MP which the appellant chose to assail before the learned Single Judge. The learned Single Judge took note of the fact that the basis for issuance of Annexures P-15 to P-17 by the State of CG was implementation of the decision taken by the State of MP on 18.10.2004 and significantly, the appellant did not choose to assail that order of MP in the Writ Application.
5. Learned Single Judge therefore, took a view that so long as order dated 18.10.2004 was allowed to stand, the follow up orders passed by the State of CG in Annexures P-15, P-16 and P-17 to the Writ Application cannot be, or ought not to be interfered with.

6. The view so taken cannot be said to be erroneous, in fact, it was open to the appellant even during the course of argument to seek leave of the Court, file an application for additional relief, but having not done so, this Court will not interfere with the decision and the order on the same ground that 18.10.2004 order passed by the MP Government which formed the basis for issuance of subsequent orders by the State of CG cannot be interfered with, as it still stands unchanged since 2004.

7. We do not find error in the view so taken by the learned Single Judge. Accordingly, the appeal is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge