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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4021 of 2016**

Govind Ram Sahu S/o Shri Achheram Sahu, Aged About 54 Years R/o Sarangarh,
Raigarh, District Raigarh Chhattigarh

---- Petitioner**Versus**

1. Union Of India Through Department Of Personnel And Training, Ministry Of Personnel Public Grievances And Pensions 3rd Floor, Lok Nayak Bhawan Khan Market, New Delhi 110003
2. State Of Chhattisgarh Through Principal Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan New Capital Complex, New Raipur, District Raipur Chhattisgarh
3. State Of Madhya Pradesh, Through Principal Secretary Department Of Urban Administration And Development, Vallabh Bhawan, Mantralaya Bhopal M.P.
4. State Of Madhya Pradesh, Through Principal Secretary, Department Of General Administration, Vallabh Bhawan, Mantralaya, Bhopal M.P.

---- Respondents

For Petitioner : Shri Sudeep Agrawal, Advocate.

For Respondent/State : Ms. Richa Shukla, Deputy Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Order on Board****15/01/2019**

1. Heard counsel for the parties.
2. Vide order dated 01.08.2016 contained in Annexure P/1, the Department of Urban Administration and Development, Government of Chhattisgarh repatriated the present Petitioner alongwith some other employees to the State of Madhya Pradesh primarily on the ground that the State of Madhya Pradesh has not given his consent or no objection to continuation of the present Petitioner as an employee of the State of Chhattisgarh despite repeated reminders.

3. Writ application came to be filed seeking quashing of this notification primarily on the ground that way back in the year 2001 itself, no objection was issued by the State of Madhya Pradesh to be precise on 03.10.2001, a copy of which is part of the writ application as Annexure P/9. Name of the Petitioner figures at Sl.No.10 of the notification of the State of Madhya Pradesh and it is only thereafter that for more than decades and a half now, the Petitioner has been working in the State of Chhattisgarh. In this background, there was no occasion to issue the order dated 01.08.2016 i.e. Annexure P/1.

4. When the writ application was initially taken up, taking into consideration the notification or the 'No Objection Certificate' granted by the State of Madhya Pradesh, the learned Single Judge vide his order dated 31.08.2016 stayed the operation of the Annexure P/1 in relation to the present Petitioner. The matter has come up for consideration now.

5. In the return of the State of Chhattisgarh, the position emerges from Annexure P/9 is not seriously disputed. Obviously, it is a case where the State authorities, especially of the Department do not maintain proper records or else the occasion to issue Annexure P/1 would not have arisen.

6. In a similar circumstance, the co-ordinate Bench while dealing with the case of one Himanshu Tiwari which was Writ Petition (S) No.4039 of 2016, taking note of the 'No Objection Certificate' issued in the year 2001 had allowed the writ application and set aside the order contained in Annexure P/1, in which, the name of the present Petitioner also figures.

7. In view of the above, the impugned order in relation to the present Petitioner stands quashed and the writ application is allowed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE