

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 684 of 2019**

Ishwari Prasad Sarthi S/o Shri Patang Ram Sarthi, Aged About 48 Years,
R/o Village And Post Jatri, Tahsil Pussore, District Raigarh Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Urban Administration Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Under Secretary State Of Chhattisgarh, Urban Administration Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Commissioner Municipal Corporation Raigarh, District Raigarh Chhattisgarh.
4. Joint Director Urban Administration Development, Regional Office, Ambikapur, District Surguja Chhattisgarh.
5. Director Urban Administration Development Department, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.

--- **Respondents**

For petitioner	:	Mr. Raghvendra Pradhan , Advocate.
For State	:	Mr. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

01/02/2019.

1. The present is a second round of litigation. The dispute revolves around the order of transfer (Annexure P-1) dated 07/05/18 whereby the petitioner has been transferred from Raigarh to Ambikapur. The said order was originally challenged in WPS No. 3714 of 2018 and this Court vide order dated 12/09/18 disposed off the writ petition granting interim protection to the petitioner to make the representation to the respondents, and the respondents in turn, shall consider and decide the ground. Though the order was passed on 12/09/18 , it appears that the respondents are now taking a decision on this vide order dated 16/01/19 (wrongly mentioned as 16/01/18) rejecting the representation. It is by now 9 months time that the order of transfer has been passed.

2. By virtue of the interim protection, the petitioner has remained in Raigarh by this period. Records further reveal that the petitioner had been posted in Raigarh only on 22/08/17.

3. Taking all these facts and circumstances into consideration, this Court is of the opinion that by the elapse of 9 months of time from the date of original order of transfer dated 07/05/18 having been passed, for all practical purposes, the same has lost its efficacy and there would not be any further necessity to go into the veracity of the order so passed.

4. The present writ petition, in view of the same, stands disposed off holding that the respondents shall not act upon the impugned order of transfer dated 07/05/18 any further, however, the respondents would be at liberty to pass a fresh order of transfer in the event if there is any administrative exigency.

5. Reserving the right to the respondents, the present writ petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Harneet