

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 2075 of 2019**

Irfan Khan - UI - Rahim Khan S/o Late Shri A.R. Khan Aged About 54 Years  
Presently Posted As Additional S.P. (Traffic), Bilaspur, District- Bilaspur,  
Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Police Head Quarters Through Inspector General Of Police, (Administration), Sector-19, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Superintendent Of Police Through Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Rohit Baghel Through Additional Superintendent Of Police (Traffic), Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. State Election Commission Through Chief Electoral Officer, D.K.S. Bhavan (Old Mantralaya), Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

**---Respondents**

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|----------------|---|--------------------------------------------------------------|
| For Petitioner | : | Mr. Sudeep Agrawal, Advocate                                 |
| For State      | : | Mr. Saleem Kazi, Dy. A.G.<br>Ms. Shriya Mishra, Panel Lawyer |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**18/06/2019**

1. The present writ petition has been filed seeking for a direction to the respondent authorities to act upon the order passed by the State Government on 18.02.2019, whereby the petitioner has been transferred as an Additional Superintendent of Police (Traffic), Bilaspur.
2. The writ petition came up for hearing on 25.03.2019 and the counsel for the State Government took 10 days time to seek instructions and to submit their reply/objection, if any. It has been more than 3 months now, but till date no reply of the respondents has been filed. On a query being put to the State

counsel, he does not dispute the fact that the order Annexure P/1 till date has not been modified, amended, recalled or cancelled. If that be so, this Court does not find any good reason why the order Annexure P/1 should not be implemented immediately particularly when the petitioner has already been released from the previous place of posting and he has also handed over his charge to the next incumbent, who has replaced the petitioner, where he was posted last.

3. State counsel Mr. Saleem Kazi makes a submission that he has instructions to state that State Government is still under active consideration so far as the posting of the petitioner is concerned. The said submission of the State counsel may not be sustainable for the reason that as long as the order has not been recalled, modified or cancelled, the order has to be implemented in its letter and spirit. It has already been more than 4 months that the order has been passed. Thus, this Court is of the view that no fruitful purpose would be served in keeping the writ petition pending any further, accordingly the writ petition stands disposed of with a direction to the respondent authorities to ensure that the order dated 18.02.2019 is complied with at the earliest without any further delay.
4. With the aforesaid observations, the writ petition stands disposed off.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Ved