

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7376 of 2019

Prakash Sahu S/o Shri L P Sahu Aged About 59 Years Presently Working
As Executive Engineer, M R P Dam Circle, Rudri, Police Station Rudri,
District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Engineer, Department Of Water Resources, M R P Basin, Shankar Nagar Chowk, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Executive Engineer, Water Management Division, Code No. 38, Rudri District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
4. Transfer Committee Through The Coordinator, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri N. Naha Roy, Advocate.
For State	:	Shri P. Acharya, PL

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

17/09/2019

1. The challenge in the present writ petition is to the impugned order dated 23.08.2019 wherein the respondents have modified their earlier order dated 09.08.2019 whereby the petitioner was transferred from Ambikapur to Rudri, Dhamtari at his own request.
2. Counsel for the petitioner submits that the said order dated 09.08.2019 already had been executed inasmuch as the petitioner gave his joining at the transferred place at Rudri, District Dhamtari

on 13.08.2019 and the thereafter there could not have been any malafide or amendment or deletion of the order to have been passed by the State Government. If, at all, if the State Government intended to transfer the petitioner, they could have passed a fresh order of transfer rather than deleting the name of the petitioner from the order of transfer which already stood executed. Further contention of the petitioner is that there is no reason also assigned by the State Government as to why the name of the petitioner stood deleted in the impugned order dated 23.08.2019.

3. Considering the aforesaid facts and circumstances of the case, this Court is of the opinion that since the order dated 09.08.2019 was already executed, there could not had been any order passed by deleting the name of the petitioner from the impugned order dated 09.08.2019.
4. State had all the powers with justified reasons to transfer the petitioner to a different place or to the same place from where he was earlier transferred.
5. Given the said facts and circumstances of the case, this Court is of the opinion that impugned order so far as deleting the name of the petitioner from the order dated 09.08.2019 which already stood executed on 13.08.2019 is totally uncalled for. The impugned order therefore is set aside/quashed so far as petitioner is concerned.
6. Quashment of the impugned order (Annexure P-1) would not preclude the State Government from exercising their powers which are otherwise vested with them on administrative exigency, in case if need arises in accordance with the policy of the State Government.

7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit