

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 502 of 2019

- Dr. R. B. Gautam, S/o Late Shri R.S. Gautam, Aged About 51 Years, Working Veterinary Assistant Surgeon Chal Virujalya, Pendra District Bilaspur, R/o A-1 Krishna Vatika, Gitanjali Vihar, Nehru Nagar, Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Secretary, Department Livestock Development Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh
2. Director Directorate of Veterinary Services Chhattisgarh, Raipur Chhattisgarh
3. Joint Director Veterinary Services Bilaspur Division District Bilaspur Chhattisgarh
4. Collector, Bilaspur, P/s Civil Line Bilaspur District Bilaspur Chhattisgarh
5. Dr. Sanjay Sharma, Aged About 47 Years, Occupation Dr. Animal Hospital Kanker Chhattisgarh

----Respondents

For Appellant : Shri Ajay Mishra, Advocate
For State : Shri Sidharth Dubey, Deputy
Government Advocate

**Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board**

Per Parth Prateem Sahu, J

24.10.2019

1. Order of learned Single Judge declining to interfere with the order of transfer of appellant/petitioner has made the appellant to file this Writ Appeal.
2. Case of the appellant is that he was working as Assistant Veterinary Surgeon at Veterinary Hospital, Pendra, District Bilaspur, since 2001. By

impugned order, the appellant has been transferred to Pashu Rog Anushandhan, Prayodshala, Kanker, District Kanker. Learned counsel for the appellant submits that prior to present place of posting at Pendra, appellant has already worked in the scheduled area for about 18 years and now again he has been transferred in schedule area and therefore, in view of the circulars issued in this regard, his transfer order should be interdicted. He also submits that in the transfer order of one of the Veterinary Officers, the Writ Court, while directing him to file a representation before the competent authority, has granted interim protection of stay of transfer order in that Writ Petition till the decision of the representation. On that ground, he prays that the appellant may also be given similar protection of stay of transfer till decision of his representation, as he has not yet been relieved from the present place of posting. He also submits that appellant is not claiming that he should be placed in the hospital at Pendra.

3. The prayer made by learned counsel for the appellant is not opposed by learned counsel appearing on behalf of the State but he submits that the position with respect to posting as on today may be directed to be maintained.

4. Looking to the limited prayer of learned counsel for the appellant that till the decision of representation, appellant shall not be relieved from the present place of posting, as also the fact stated that he has already served for about 18 years in schedule area, we direct the appellant to file a fresh representation within a period of 10 days from today along with copy of this appeal and writ petition and in turn, the 1st respondent will decide the same within a further period of four weeks. Till then, status *quo*, as on date, with

respect to the posting of the appellant shall be maintained by the respondents.

5. The Writ Appeal stands disposed off with above observation.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

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