

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1108 of 2020**

- Arun Deshmane S/o Late Atma Ram Deshmane, Aged About 61 Years R/o House No. 265 Sector 1 Street 5, Near Sarvodaya Vidyalaya Professor Colony Raipur, Police Station- Puranibasti Raipur, Tahsil- Raipur, District- Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Deputy Secretary Department Of Veterinary Services, Mantralaya Capital Complex, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur, Chhattisgarh.
2. The Director Department Of Veterinary Services, Mantralaya Capital Complex, Indrawti Bhawan Atal Nagar Raipur, District- Raipur, Chhattisgarh.
3. Deputy Director Department Of Veterinary Services, Mata Mahamari Project, Kankali Hospital Parisar, Braham Para, Raipur, District- Raipur, Chhattisgarh.

---- Respondents**WPS No. 1287 of 2020**

- Smt. Asha Soni W/o Late Ramnarayan Soni Aged About 42 Years R/o In The House Of Ajay Dubey, Near Santoshi Mandir, Chantidih, Bilaspur District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Livestock Services, Mantralaya Capital Complex, Mahanadi Bhawan, Atal Nagar, Raipur District : Raipur, Chhattisgarh
2. The Director Veterinary Bhawan Naya Raipur, Atal Nagar Raipur, District : Raipur, Chhattisgarh
3. The Collector Bilaspur District : Bilaspur, Chhattisgarh
4. The Joint / Sub Director Veterinary Bilaspur, District : Bilaspur, Chhattisgarh
5. The In - Charge Officer, Veterinary, Mata Mahamari Unit, Bilaspur, District : Bilaspur, Chhattisgarh
6. The In -Charge Officer, Bakri Palan Prakshetra, Pakariya, Bilaspur District Bilaspur Chhattisgarh. (Now District Pendra, Gourela Marvahi).

---- Respondents

WPS No. 1295 of 2020

- M. S. Sahgal S/o Late B.S. Sahgal Aged About 55 Years R/o Indra Vihar, Near Dreemland School , Sarkanda , Bilaspur , District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Livestock Services, Mantaralaya Capital Complex, Mahanadi Bhawan, Atal Nagar, Raipur District : Raipur, Chhattisgarh
2. The Director Veterinary Bhawan Naya Raipur , Atal Nagar Raipur District : Raipur, Chhattisgarh
3. The Collector Bilaspur District : Bilaspur, Chhattisgarh
4. The Joint / Sub Director Veterinary Bilaspur , District : Bilaspur, Chhattisgarh
5. The In- Charge Officer Veterinary, Mata Mahamari Unit, Bilaspur , District : Bilaspur, Chhattisgarh
6. The In- Charge Officer, Office Of Sub - Director Veterinary, Jashpur District : Jashpur, Chhattisgarh

---- Respondents**WPS No. 1296 of 2020**

- Shabbir Khan S/o Late B.A. Khan Aged About 54 Years R/o Rajendra Nagar, Bilaspur District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Livestock Services, Mantralaya Capital Complex, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Veterinary Bhawan Naya Raipur, Atal Nagar Raipur, District : Raipur, Chhattisgarh
3. The Collector Bilaspur, District : Bilaspur, Chhattisgarh
4. The Joint / Sub Director, Veterinary Bilaspur, District : Bilaspur, Chhattisgarh
5. The In Charge Officer, Veterinary, Mata Mahamari Unit, Bilaspur, District : Bilaspur, Chhattisgarh
6. The In Charge Officer, Office Of Sub Director Veterinary, Surajpur District : Surajpur, Chhattisgarh

---- Respondents

WPS No. 1291 of 2020

- Pramod Kumar Kashyap S/o Late Shriramadhan Kashyap Aged About 43 Years R/o Village Darrabhata, Post Mudpar Jairamnagar, Tashil Masturi, District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Livestock Services, Mantaralaya Capital Complex, Mahanadi Bhawan, Atal Nagar, Raipur District : Raipur, Chhattisgarh
2. The Director Veterinary Bhawan Naya Raipur, Atal Nagar Raipur, District : Raipur, Chhattisgarh
3. The Collector Bilaspur, District : Bilaspur, Chhattisgarh
4. The Joint/sub Director, Veterinary Bilaspur, District : Bilaspur, Chhattisgarh
5. The In-Charge Officer Veterinary, Mata Mahamari Unit, Bilaspur, District : Bilaspur, Chhattisgarh
6. The In-Charge Officer Government Veterinary Breeding Zone, Anjora, Durg Chhattisgarh (Central Liqueate Nitrogen Distribution Center, Operate At Durg), District : Durg, Chhattisgarh

---- Respondents**WPS No. 1307 of 2020**

- Dr. Lakhan Prasad Manhar S/o Binda Prasad Manhar Aged About 36 Years R/o Presently Working As Assistant Veterinary Surgeon At The Cattle Check Post Basantpur, Block Wadraf Nagar, District Balrampur-Ramanujganj Chhattisgarh (Wrongly Mentioned As Jashpur In The Impunged Order)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Deputy Secretary Department Of Veterinary Services, Mantralaya Capital Complex, Mahanadi Bhawan, Atal Nagar Raipur, District : Raipur, Chhattisgarh
2. The Director Department Of Veterinary Services, Mantralaya Capital Complex, Indrawati Bhawan Atal Nagar Raipur, District : Raipur, Chhattisgarh
3. Deputy Director Department Of Veterinary Services, Mata Mahamari Project, Kankali Hospital Parisar, Braham Para, Raipur, District : Raipur, Chhattisgarh
4. Mata Mahamari Project Bilaspur Department Of Veterinary Services, Ramnadir Road Tilak Nagar Bilaspur, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Akath Kumar Yadav and Shri Raj Kumar Pali, Advocate
For Respondents	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/02/2020

Heard.

1. The challenge in these petitions is to the transfer made by order dated 14.02.2020. The petitioners contend that the petitioners have been transferred to various other departments and they were the part and parcel of Mata Mahamari Project unit and they cannot be transferred to other places as the transfer has been made during the ban period. It is further contended that in respect of the petitioner Arun Deshmane in WPS No.1108 of 2020 only 1 year is left for superannuation whereas in respect of other petitioners the transfer has been effected against the policy. The following transfers were made by order dated 14.02.2020 which are under challenge:-

- WPS No. 1108 of 2020 :- Petitioner has been transferred from Mata Mahamari Project, Raipur to Deputy Director, Veterinary Services, Balod
- WPS No. 1287 of 2020 :- Petitioner has been transferred from Mata Mahamari Yojana, Bilaspur to Bakri Palan Prakshetra, Pakariya, Bilaspur
- WPS No. 1295 of 2020 :- Petitioner has been transferred from Mata Mahamari Project Bilaspur to Office of Sub-Director Veterinary Jashpur.
- WPS No. 1296 of 2020 :- Petitioner has been transferred from Mata Mahamari Project Bilaspur to Office of Sub-Director Veterinary Surajpur.

- WPS No. 1291 of 2020 :- Petitioner has been transferred from Mata Mahamari Project Bilaspur to Govt. Veterinary Breeding Zone, Anjora, Durg.
- WPS No. 1307 of 2020 :- Petitioner has been transferred from Cattle Check Post, Basantpur Block Wadrafnagar, District Balrampur, Ramanujganj to Artificial insemination center District Jashpur.

2. They would further submit that it is a case of redeployment/ deputation and unless and until permission is obtained from the borrowing and lending departments such transfer cannot be made as per Clause 4.2 of the policy. Further it is contended that Clause 3.1 of the policy purports that after 14.08.2019 there cannot be transfer out side the district and after recommendation from the Coordination committee only the transfer can be made. Therefore, the transfer suffers from illegality and arbitrariness. Consequently the transfer so effected required to be annulled.
3. Reply of the State has been filed in WPS No. 1108 of 2020 (Arun Deshmane V. State of C.G.). Learned State counsel submits that it will principally govern all the cases as the same transfer order dated 14.02.2020 is under challenge. It is contended that out of 114 posts of Officers and employees who were posted at Mata Mahamari Project (Rinderpest) has been abolished by the State government by order dated 30.12.2019. The post having been abolished the petitioners services are not being dispensed with but adjusted with other departments. It is stated that the project was to eradicate rinderpest disease and disease having been abolished the project is also closed. Consequently, the petitioners cannot ask to continue on the abolished posts. It is further contended that the State of C.G. in coordination has obtained the approval of the Chief Minister and accordingly the transfers have been effected.
4. Perused the documents, apparently it shows that the petitioners' services were obtained under the specific project named and styled as "Mata Mahamari Project" to eradicate rinderpest disease. The petitioner along with

others were posted at different places. As per the State government the 114 posts of Officers and employees has been abolished by order dated 30.12.2019 which is filed as Annexure R-1. The reply further purports that after abolition of the posts because of administrative exigency the employees have been adjusted to other departments as they were all working under the Mata Mahamari Project which has been closed. Therefore, it shows that Mata Mahamari project having been abolished and the salary could not be released. Consequently the petitioners have been placed in the different departments. The reply further purports that originally the scheme was funded by the Central government and since the funds are not been received for last 2 years and the rinderpest disease has been eradicated as per the report of World Organisation of Animal Health in the State of C.G. and the said project is no longer required to be continued.

5. Considering the aforesaid reply of the State, it is not in dispute that the persons/ petitioners were posted on a particular project to discharge the job and the project having been closed, posts have been abolished, therefore, the petitioners cannot term their deployment in other departments as transfer. It would be the domain of the State government. If the petitioners do not want to continue to other places of transfer the State government shall be free to take disciplinary action against them as may be available under the law. The circumstances shows the placement of the petitioners to other departments prima facie appears to be for their benefit to ensure that they do not loose their job. In such circumstances, I do not find any merit in this case to interfere in the order dated 14.02.2020.

6. Accordingly, all the writ petitions stand dismissed.

Sd/-

Goutam Bhaduri
Judge