

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WA No. 235 of 2020**

(Arising out of Order dated 27.02.2020 in WPS-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 Wadrafnagar District Balrampur Ramanujganj Chhattisgarh. (Wrongly Mentioned As Jashpur In The Impugned Order Dated 14-02-2020).....(Appellant)

**---- Appellant**

**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**

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| For Appellant         | : Shri AK Yadav, Advocate                      |
| For Respondents/State | : Shri Ghanshyam Patel,<br>Government Advocate |

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

**Per PR Ramachandra Menon,CJ**

**05.03.2020**

1. Correctness of the course and proceedings pursued by the respondent/State with regard to redeployment of the appellant/petitioner pursuant to the closure of a particular project was subjected to challenge by filing the Writ Petition. The main grievance was that the appellant was serving the department in connection with Mata Mahamari Project and on closure of the said project, as per Annexure P2 order dated 30.12.2019,

the appellant came to be transferred as per Annexure P1 order dated 14.02.2020 to a different place at Jashpur, which is quite wrong and unjustified, because it has amounted to 'inter-departmental transfer' as well, as put forth by the appellant.

2. The learned counsel for the appellant submits that the prayer of the Writ Petitioner was considered and it was turned down holding that the posting as per Annexure P1 was necessitated because of the 'closure' of the Mata Mahamari Project and that it could not be termed as a 'transfer'. It was accordingly, the Writ Petition was dismissed, which is put to challenge in this appeal.

3. The learned counsel for the appellant submits that the appellant was originally appointed in the 'Veterinary Department' as a Veterinary Surgeon as per Annexure P6 Appointment Order dated 03.11.2014. While he was working at the place Dharamjaigarh, District Raigarh in connection with the Mata Mahamari Project, he was asked to work under said project along with such others as per the proceedings dated 28.08.2017 and was working at the Cattle Check Post, Basantpur, Block Wadrafnagar, District Balrampur accordingly. Later, the project came to be closed as per Annexure P2 order dated 13.12.2019, for the reasons mentioned therein and this subsequently, was followed by Annexure P1 order dated 14.02.2020, which was impugned in the Writ Petition.

4. The undisputed facts clearly reveal that the appellant/petitioner having been appointed to the post of Veterinary Surgeon in the Veterinary department, is entitled to continue in the said department, insofar as no

posting has been sought for by way of deputation or otherwise, by the appellant to any other department. It is also brought on record that the posting to work as Veterinary Surgeon in the Mata Mahamari Project was only to meet the immediate requirements, acting to the 'need of the hour' in connection with the 'Rinderpest' disease which was spreading out. The said project was set up utilising the funds provided by the Central Government.

5. The learned Single Judge has referred to the sequence of events, particularly, with reference to the stand taken by the respondent/State, including the one for closure of the project, that the project funded by the Central Government could not be taken further because, no funds were released for the last two years and that apart, the 'Rinderpest' disease was already eradicated as per the report of the World Organisation of Animal Health in the State of Chhattisgarh by virtue of which, it was no longer necessary to have the project continued any further. It was accordingly, the project was closed as a natural consequence. The persons who were originally identified and put against the relevant slots to work under the project, had to be re-deployed to such other appropriate places, where vacancies were available. It was accordingly, that Annexure P1 posting order was issued on 14.02.2020, whereby the appellant has been ordered to be placed at the Artificial Insemination Center, District Jashpur.

6. The learned Government Advocate for the State points out that the entries in Annexure P1 order as against the appellant, clearly show that he has been posted in the Artificial Insemination Center, District Jashpur,

under the very same department, ie 'Veterinary Department' and there is no inter-departmental change or transfer. It is also pointed out that, by virtue of the nature and post occupied by the appellant, he is supposed to serve anywhere in the State and that he is holding a transferable post. In fact, the order under challenge was never an order of transfer but a 'posting order' necessitated because of the closure of the project. It is never open for the appellant to contend that he shall always be permitted to continue at the particular place or project, even after closure of the project and no such right based on any law/order is demonstrated as available to the appellant.

7. In the above circumstances, we are of the view that no sustainable cause of action has been projected and no tenable ground has been brought out so as to call for any interference with the verdict passed by the learned Single Judge.

8. Appeal fails. It is dismissed accordingly.

Sd/-  
**(PR Ramachandra Menon)**  
**Chief Justice**

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**