

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4918 of 2016**

1. Pawan Kumar Sarthi S/o Late R. Sarthi, Aged About 60 Years Dairy Attendant In The Office Of Deputy Milk Commissioner, Integrated Dairy Development Project, Raigarh, Chhattisgarh.
2. Sunil Kumar Shrivastava, S/o Shri S. N. Shrivastava, Aged About 53 Years Supervisor Grade- Ill In The Office Of Deputy Milk Commissioner, Integrated Dairy Development Project, Jashpur, Chhattisgarh.
3. Om Prakash Shrivastava, S/o Late Lakhan Shrivastava, Aged About 51 Years Dairy Attendant In The Office Of Deputy Milk Commissioner, Integrated Dairy Development Project, Jashpur, Chhattisgarh.
4. Rakesh Kumar Sharma, S/o Ram Kumar Sharma, Aged About 50 Years Dairy Attendant In The Office Of Deputy Milk Commissioner, Integrated Dairy Development Project, Jashpur, Chhattisgarh.

---Petitioners**Versus**

1. State Of Chhattisgarh Through- Secretary, Department Of Pashudhan Vikash, Mantralaya, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Director, Directorate Of Animal Husbandry Indravati Bhavan, New Raipur, Chhattisgarh.
3. Deputy Milk Commissioner, Integrated Dairy Development Project, Raigarh, Chhattisgarh.

4. Deputy Milk Commissioner, Integrated Dairy Development Project, Jashpur, Chhattisgarh.
5. Deputy Director, Veterinary Services, Bilaspur, Chhattisgarh.
6. Deputy Director, Veterinary Services, Balrampur Chhattisgarh.

--- Respondents

For Petitioners	:-	Mr. Neeraj Choubey, Advocate
For State	:-	Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Through Video Conferencing)

10/06/2021

1. Mr. Neeraj Choubey, learned counsel for the petitioners, would submit that petitioners are employees of Department of Dairy Development and they are working at the Integrated Dairy Development Project, Raigarh and Jashpur, but by the impugned order dated 29/07/2016 (Annexure P-1) they have been transferred to the Department of Veterinary Services without taking the consent of the petitioners.

2. Learned counsel for the parties further submit that the issue involved in this writ petition has been decided by this Court in WPS No. 1142/2013 (**Ashok Kumar Aasrekar v. State of Chhattisgarh**) vide order

dated 15/01/2019 wherein the impugned order of transfer of the petitioners has been set aside and liberty has been granted to the respondent/State authorities to take a fresh decision in accordance with law.

3. At this stage, it would be appropriate to notice the order dated 15/01/2019 passed in Ashok Kumar Aasrekar (Supra) in which this Court has held as under in paragraphs 4 and 5 :-

"4. Much has happened since then. Almost 6 years have gone past since the order of stay was passed by the High Court. Many of the petitioners or the employees are at the verge of superannuation and it is not known whether the present dispensation would be interested in sending any of them on deputation outside the cadre to the Federation.

5. In view of the same, the impugned order dated 30.01.2013 stands quashed. The respondent State authorities however are given liberty to take a fresh decision in accordance with law."

4. Accepting the contention of the parties, since the issue involved in this writ petition is identical to that of Ashok Kumar Aasrekar (supra), the instant writ petition is allowed in terms of paragraphs 4 and 5 of order dated 15/01/2019 passed

in Ashok Kumar Asrekar (supra) as notice herein-
above and accordingly, the transfer order (Annexure
P-1) is hereby quashed and liberty is granted to
the State to proceed in accordance with law as held
in paragraphs 4 and 5 of Ashok Kumar Aasrekar
(supra).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet