

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4258 of 2016**

- 1.Devkrishna Singh S/o Late Brahmdev Singh, Aged About 61 Years Dairy Paricharak At Integrated Dairy Development Project Raigarh, Chhattisgarh.
- 2.Shiv Kumar Singh, S/o Shri Vishwanath Singh, Aged About 51 Years Dairy Paricharak At Integrated Dairy Development Project Raigarh, Chhattisgarh.
- 3.Gupteshwar Sidar, S/o Dutiya Rana Sidar, Aged About 47 Years Dairy Paricharak At Integrated Dairy Development Project Raigarh, Chhattisgarh.
- 4.Devdatt Singh (deleted).
- 5.Sapan Kumar Satpathi S/o Late Iswar Chand Satpathi, Aged About 52 Years Dairy Paricharak At Integrated Dairy Development Project Raigarh, Chhattisgarh.

---Petitioners**Versus**

- 1.State Of Chhattisgarh S/o Through Additional Chief Secretary Cum Agriculture Production Commissioner, Department Of Pashudhan, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
- 2.State Of Chhattisgarh, Through Secretary, Department Of Pashudhan Vikash, Mantralaya, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh.
- 3.Government Of Chhattisgarh, General Administration Department, Through The Secretary, Mantralaya, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.

4. Director, Directorate Of Animal Husbandry
Indravati Bhavan, New Raipur Chhattisgarh.

5. Deputy Milk Commissioner, Integrated Dairy
Development Project Raigarh, 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, 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 Aasrekar (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