

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2564 of 2021

Shiv Kishore Acharya S/o Late Shri Ganeshwar Acharya Aged About 54 Years
Occupation- Service, Presently Posted As Regional Coordinator, C.G. Centre
For Entrepreneurship Development (CGCED) Branch- Bilaspur, District-
Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
Commerce And Industries, Mahanadi Bhawan, Mantralaya New Raipur,
Atal Nagar, District- Raipur, Chhattisgarh
2. Union Of India, Through The Secretary, Department Of Personnel And
Training, North Block, Central Secretariat, New Delhi, Delhi 110001
3. State Of Madhya Pradesh, Through Department Of Commerce And
Industries, Vallabh Bhawan, Arera Hills, Bhopal, Madhya Pradesh
4. Center For Entrepreneur Development Of Madhya Pradesh, (CEDMAP)
A Society Registration Under Society Registration Act 1973 Of Erstwhile
State Of Madhya Pradesh Through Its Executive Director, 16-A Arera
Hills, Bhopal, Madhya Pradesh

---- Respondents

For Petitioner	:	Mr. Rajeev Shrivastava, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.
For Respondent No.2	:	Ms. Purnima Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/05/2021

1. The matter was taken up on the I.A. No. 2 & 3. The learned counsel for
the petitioner undertakes that he shall ensure that the requisite Affidavit,
Court Fees and the Advocate Welfare Stamp shall be affixed within a
period of 3 days. The petitioner is accordingly directed to ensure that
the notarized Affidavit as also the Court Fees and Advocate Welfare
Stamp shall be affixed within a period of 3 days. On the said assurance
and undertaking, the writ petition is taken up with the consent of the
parties for final disposal at admission stage.

2. The grievance of the petitioner seems to be the issuance of the impugned order Annexure P/1, whereby the petitioner has been transferred by the respondent No.3 and posted at Bhopal.
3. Initially, the petitioner was granted joining period by the 26th of April, 2021, however it has now been extended up till the 10th of May, 2021. The contention of the petitioner is that practically the entire State of Chhattisgarh is reeling under the COVID-19 Pandemic and moreover almost the entire State is under the total Lock-Down and in the given situation movement of the petitioner from Chhattisgarh to Madhya Pradesh firstly may not be possible, secondly it may not be advisable also, therefore the petitioner may be given some reasonable time to join at the transferred place.
4. Prima-facie the contention and the apprehension raised by the petitioner seems to be bona fide as well as justified. Under the circumstances taking note of the impact and effect of COVID-19 Pandemic, particularly its effect in the State of Chhattisgarh, it is ordered that the impugned order Annexure P/1 as also Annexure P/5 extending the period of joining to the petitioner up till 10th of May shall be deferred for a further period of 4 weeks hoping that the pandemic situation in the State of Chhattisgarh normalizes during the said period.
5. Meanwhile, the respondents No.3 & 4 are further directed to ensure that they do not initiate any coercive steps forcing the petitioner to join at the transferred place for a further period of 4 weeks time. After 4 weeks time subject to the situation getting normalized, the interim protection granted to the petitioner in this writ petition would automatically lose its efficacy.

6. The disposal of the present writ petition would not have any bearing on the writ petition preferred by the petitioner earlier and which is pending consideration before this Court i.e. WPS No. 2092/2021.
7. With the aforesaid observations and directions, the present writ petition stands disposed of.
8. Certified copy only after the notarized Affidavit and the Court Fees and Advocate Welfare Stamp is duly affixed.

Sd/-
(P. Sam Koshy)
Judge

Ved