

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4360 of 2021**

Gopal Bharadwaj S/o Late Lakhan Singh Aged About 49 Years R/o Lic Office Road, Kangoh, Dharampura No. 1, Jagdalpur, District Bastar, Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. Municipal Corporation Jagdalpur (Through Commissioner), Jagdalpur District Bastar Chhattisgarh.

**----Respondents**

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| For Petitioner | : | Mr. Pankaj Singh, Advocate  |
| For State      | : | Mr. Jitendra Pali, Dy. A.G. |

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**19/08/2021**

1. The petitioner through the present writ petition seems to be aggrieved of the recent order of relieving dated 12.07.2021 relieving the petitioner for joining at his transferred place i.e. the Municipal Corporation, Chirmiri where the petitioner was transferred vide order dated 31.08.2019.
2. The order of transfer dated 31.08.2019 was subjected to challenge in a couple of writ petitions i.e. WPS Nos. 7460/2019 & 2252/2020. Both these writ petitions were disposed of vide orders dated 17.09.2019 & 24.06.2020. While passing the order dated 24.06.2020 this Court had made an observation that in case if the petitioner has not been relieved till now, then he should not be relieved till the representation is decided on its own merits afresh.

3. It seems that the petitioner already was relieved vide order dated 29.05.2020, even before the order was passed by this Court on 24.06.2020. However, subsequently in the light of the order of this Court dated 24.06.2020 the petitioner was permitted to resume his duties at Municipal Corporation, Jagdalpur and the petitioner has already discharged his duties during the intervening period. However, now subsequently the State Government has vide order dated 06.07.2021 on due consideration of his representation have rejected the same and thereafter the present relieving order has been passed on 12.07.2020, which is the impugned order in this writ petition.
4. Considering the fact that the petitioner pursuant to the order of this Court dated 24.06.2020 was permitted to resume his duties. It is implied that the petitioner was permitted to resume his duties only in terms of the order of this Court dated 24.06.2020 in WPS No. 2252/2020 i.e. the interim protection would be till a fresh decision is taken by the State Government, which the respondents have now taken vide their order dated 06.07.2021 and once the representation of the petitioner is already decided and the same stands rejected. The respondents are supposed to comply with the original order dated 31.08.2019 and thereby the petitioner has to be relieved again and which they have done now vide the impugned order.
5. Under no circumstances can the same be held to be in any manner arbitrary or malafides or contrary to the service Rules. The stand of the petitioner that there cannot be two relieving orders in respect of one transfer order dated 31.08.2019, all that this Court would like to observe is that the High Court was not informed of the petitioner having already been relieved on 29.05.2020 when the writ petition

WPS No. 2252/2020 came up for hearing and the respondents seems to have bonafidely permitted the petitioner to resume his duties after the order dated 24.06.2020 was passed in the light of the limited interim protection that was granted therein. Under the circumstances, the authorities were required for issuance of the fresh relieving order for compliance of an earlier transfer order dated 31.08.2019.

6. For the aforesaid reasons, this Court does not find any strong case made out calling for an interference with the impugned order. The writ petition thus sans merit and is accordingly rejected.

Sd/-  
**(P. Sam Koshy)**  
Judge