

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5631 of 2016**

Motilal Yadav, S/o Late Shri Bhairaw Ram Yadav,
Aged about 55 years, Presently Posted as Dairy
Attendant in the office of Dy. Director
Veterinary Services, Manager Pig Farm Sakalo,
Ambikapur, Distt. Sarguja, Chhattisgarh.

---Petitioner**Versus**

- 1.State of Chhattisgarh, Through the Secretary,
Department of Animal Husbandry and Dairy
Development, Mahanadi Bhwaran, Capital Complex,
Mantralaya, New Raipur, Chhattisgarh.
- 2.The Director, Animal Husbandry, Raipur,
Chhattisgarh.
- 3.The Deputy Commissioner, Integrated Dairy
Development Project, Ambikapur, Distt. Sarguja,
Chhattisgarh.
- 4.Collector, Distt. Sarguja, Chhattisgarh.

--- Respondents

For Petitioner	:-	Mr. Vinod Deshmukh, 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. Vinod Deshmukh, 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, but by the impugned order dated 29/07/2016 (Annexure P-1) he has 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 hereinabove 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