

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8653 of 2019**

Jeevan Lal Bhargav S/o Late Shri Narayan Bhargav Aged About 49 Years
Presently Working As Assistant Grade-II, O/o Executive Engineer,
Maniyari Water Resource Division Mungeli, District Mungeli,
Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Engineer In Chief Water Resources Department Shivnath Bhavan, Naya Raipur, District Raipur, Chhattisgarh.
3. Chief Engineer Water Resources Department, Bilaspur, District Bilaspur, Chhattisgarh.
4. Senior Hydrologist Divisional Ground Water Survey, Unit Number 9, Bilaspur, District Bilaspur, Chhattisgarh.
5. Chhattisgarh Pradesh Lipik Vergiya Shaskiya Karmachari Sangh Registration Number 2060/2008 Through State President, Office Of Superintending Engineer Circle, Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Praveen Das, Advocate along with Mr. Vivek Verma, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.
For Intervenor	:	Mr. N.K. Chatterjee, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/01/2021**

1. The challenge in the present writ petition was to the order of transfer dated 05.10.2019 whereby the petitioner was transferred from District Mungeli to District Bilaspur. The challenge to the transfer order was on the ground that the petitioner is one of the protected employee in the capacity of an office bearer of a Union.

Second ground is that his wife also was employee at the same place and therefore under the transfer policy of the State Government as far as possible the petitioner should had been accommodated at the same place.

2. The writ petition was admitted for hearing as early as in October, 2019 and where there was an interim order granted in favour of the petitioner staying effect and operation of the order of transfer. By virtue of the interim order passed by this Court on 18.10.2019 the petitioner has remained at the same place till now and it is almost 15 months that the petitioner has been retained at the same place.
3. In view of the fact that the petitioner has been retained at the said place by virtue of the impugned order dated 18.10.2019, this Court is of the opinion that in the interest of justice the writ petition can be disposed of at this juncture holding that the respondents-State shall not act upon the impugned order of transfer so far as the petitioner is concerned any further. However, the right of the State Authorities would stand reserved to pass a fresh order in case if any administrative exigency if needs so arises.
4. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved