
Prakash Sahu Vs State Of Chhattisgarh And Ors

Writ Petition (S) No. 7376 Of 2019

Court: Chhattisgarh High Court

Date of Decision: Sept. 17, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: N. Naha Roy, P. Acharya

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The challenge in the present writ petition is to the impugned order dated 23.08.2019 wherein the respondents have modified their earlier order dated

09.08.2019 whereby the petitioner was transferred from Ambikapur to Rudri, Dhamtari at his own request.

2. Counsel for the petitioner submits that the said order dated 09.08.2019 already had been executed inasmuch as the petitioner gave his joining at the

transferred place at Rudri, District Dhamtari on 13.08.2019 and the thereafter there could not have been any mala fide or amendment or deletion of the

order to have been passed by the State Government. If, at all, if the State Government intended to transfer the petitioner, they could have passed a

fresh order of transfer rather than deleting the name of the petitioner from the order of transfer which already stood executed. Further contention of

the petitioner is that there is no reason also assigned by the State Government as to why the name of the petitioner stood deleted in the impugned

order dated 23.08.2019.

3. Considering the aforesaid facts and circumstances of the case, this Court is of the opinion that since the order dated 09.08.2019 was already

executed, there could not have been any order passed by deleting the name of the petitioner from the impugned order dated 09.08.2019.

4. State had all the powers with justified reasons to transfer the petitioner to a different place or to the same place from where he was earlier

transferred.

5. Given the said facts and circumstances of the case, this Court is of the opinion that impugned order so far as deleting the name of the petitioner

from the order dated 09.08.2019 which already stood executed on 13.08.2019 is totally uncalled for. The impugned order therefore is set

aside/quashed so far as petitioner is concerned.

6. Quashment of the impugned order (Annexure P-1) would not preclude the State Government from exercising their powers which are otherwise

vested with them on administrative exigency, in case if need arises in accordance with the policy of the State Government.

7. With the aforesaid observations, the writ petition stands disposed of.