
(2009) 12 CHH CK 0043
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 7181 of 2008

K.P. Choukse

APPELLANT

Vs

State of Chhattisgarh and Others

RESPONDENT

Date of Decision : 09-12-2009

Acts Referred:

Citation : (2010) 4 MPJR 27

Hon'ble Judges : Satish K. Agnihotri, J

Bench : Division Bench

Judgement

S.K. Agnihotri, J.

The present batch of petitions viz. W.P.(S) No. 7181/2008, 4994/2007, 6415/2008, 6695/2008, 7165/2008, 164/2009, 306/2009, 352/2009, 604/2009, 670/ 2009, 701/2009, 2418/2009, 3894/2009, 3895/2009, 3896/2009, 4455/2009 and 4949/2009 involve a common question of law as to whether the petitioners, who are deputationists in the Panchayat and Rural Development Department and posted in Rural Engineering Services, may be transferred to Chhattisgarh Rural Road Development Authority and Pradhan Mantri Gram Sadak Yojna, and as such, all these petitions are being disposed of by a common order.

The facts, in nutshell, are that the petitioners were originally appointed in the Water Resources Department and irrigation department on the post of Sub Engineer. The petitioners were sent on deputation to the Rural Engineering Services of Panchayat and Rural Development Department, Thereafter, the petitioners continued in the said department without there being any absorption or repatriation to their respective parent department.

In the meantime, by the impugned orders dated 01.10.2008 [Annexure P/1 to W.P.(S) Nos. 7181/2008, 6415/2008, 6695/2008, 7165/2008, 164/2009, 306/2009, 352/2009, 604/2009, 670/2009, 701/2009 & 2418/2009], 17.7.2007 [Annexure P/4 to W.P. (S) No. 3894/2009, 3895/2009, 3896/2009, 4455/2005 & 4949/2009], the petitioners, without their consent, have been transferred to

Chhattisgarh Rural Road Development Authority and Pradhan Mantri Gram Sadak Yojana, which according to the petitioners, are not part of the Panchayat and Rural Development Department. Thus, the impugned transfer orders are in question in this batch of petitions.

Shri Y.S. Thakur, learned Deputy Government advocate appearing for the State/ respondents submits, on instructions, that admittedly, the petitioners were posted on deputation in the Rural Engineering Services of the Panchayat & Rural Development Department. Now the State government has decided to repatriate the petitioners to their respective parent departments. Shri Thakur further submits that till the final order of repatriation of the petitioners to their parent department is passed, the aforesaid impugned transfer orders shall not be given effect to.

At this juncture, learned counsel appearing for the respective petitioners submit that in the light of clear and categorical submission made by learned Deputy Advocate General appearing for the State, nothing survives in the present writ petitions for adjudication.

According, all the writ petitions are disposed of. No. order as to costs.