



2025:CGHC:22466

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3931 of 2025**

K. R. Kashyap S/o Late Harinath Kashyap Aged About 60 Years Working As Assistant Veterinary Field Officer At Mobile Veterinary Unit, Jagdalpur, Block-Jagadalpur, District - Baster At Jagdalpur Chhattisgarh.

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh

2 - The Collector Baster, District - Baster At Jagdalpur Chhattisgarh

3 - Dy. Director Veterinary Service, Jagdalpur, District - Baster At Jagdalpur Chhattisgarh.

... Respondent(s)

For Petitioner	: Mr. Somkant Verma, Advocate
For Respondents/State	: Mr. Rajiv Bharat, Government Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****29/05/2025**

1. By way of this petition, the petitioner has filed this petition seeking the following relief(s):-

"10.1 That, this Hon'ble Court may kindly be pleased to quash impugned order dated 05.05.2025 passed by the respondent No.-2.

10.2 That, this Hon'ble Court may kindly be pleased to issue to issue any other writ /order/ direction as deem fit in the facts and circumstances of the case."

2. The petitioner has filed the present writ petition challenging the impugned order dated 05.05.2025 (Annexure P-1), issued by respondent No.2, whereby the services of the petitioner, who is presently posted at Mobile Veterinary Unit, Jagdalpur, have been attached to the Animal Dispensary, Ghotiya, Block Bastar.
3. Mr. Somkant Verma, learned counsel appearing for the petitioner would submit that the petitioner has challenged the impugned order of Attachment dated 05.05.2025 (Annexure P-1) passed by the respondent No.-2, whereby services of the petitioner has been attached from present place of posting i.e. Mobile Veterinary Unit, Jagdalpur Block-Jagdalpur to Animal Dispensary Ghotiya, Block-Baster. He would further submit that respondent No.-2 attached service of the petitioner out of Block- Jagdalpur, this action of the respondent No.-2 is against policy/order of the State Government. He would also submit that services of the similarly situated petitioner/employee namely, Dayanath Kashyap (Head Master) was attached vide order dated 14.03.2024 by the District Education Officer, Bastar, and directed him to work at Middle School Bodli, Lohandiguda. The petitioner (Dayanath Kashyap) preferred writ

petition (service) and the Co-Ordinate Bench while deciding the issue of the petitioner, disposed of the writ petition treating the impugned order of attachment as transfer order. Thereafter, a Writ appeal was preferred and the Hon'ble Division Bench while deciding the matter (***Dayanath Kashyap v. State of Chhattisgarh and others***) (WA No.413/2024, dated 10.07.2024) and other connected matters, set aside the order passed by the Co-Ordinate Bench whereby the order of attachment was interpreted as transfer order and respondent authorities were directed to re-consider the claim of the writ appellant; thus, he would pray that the instant writ petition may be disposed of in the light of judgment rendered in ***Dayanath Kashyap (supra)***.

4. Learned counsel for the petitioner also submits that the impugned order is not a routine administrative order but an attachment order which effectively shifts the petitioner outside his original block, i.e., Jagdalpur.
5. On the other hand, Mr. Rajiv Bharat, learned Government Advocate submits that the petitioner was merely directed to perform his duties at the Animal Dispensary, Ghotiya, due to administrative exigencies and it does not amount to attachment or transfer. It is further argued that such directions fall within the domain of the competent authority, and no illegality has been committed.
6. I have heard learned counsel for the parties and perused the

documents placed on record.

7. Admittedly, the petitioner was originally posted at Mobile Veterinary Unit, Jagdalpur, within Block Jagdalpur. The impugned order dated 05.05.2025 directs the petitioner to perform his duties at Animal Dispensary, Ghotiya, which falls under Block Bastar.
8. The Hon'ble Division Bench while dealing with similar issue in the matter of ***Dayanath Kashyap (supra)***, held that such attachment orders cannot be treated as transfer orders. The relevant paras 9, 10 & 11 are reproduced as under:-

"09.From the perusal of the impugned transfer orders, which have been challenged by the appellants in their respective writ petitions before the learned Single Judge, it transpires that they seem to be attachment orders and not the transfer orders and the learned Single Judge, misinterpreted the said fact and while disposing of the aforesaid writ petitions, has directed that if the petitioners are not relieved, they will not be relieved till 4th June, 2024 thereafter, they will be deemed to have been relieved and will join transferred post immediately.

10. Considering the facts and circumstances of the case, taking into account that the impugned transfer orders seem to be attachment orders and not the transfer orders, the aforementioned impugned orders passed by the learned Single Judge in respective writ petitions as well as the impugned transfer orders dated 14.03.2024 and 15.03.2024 issued by the respondent Nos. 2 & 3 are set aside qua the aforesaid appellants.

11. The respondent authorities are directed to reconsider the claim of the appellants in accordance with law preferably within a period of two weeks from the date of receipt of a copy of this order."

9. Vide impugned order dated 05.05.2025, the respondent

No.2/Collector has passed the following order:-

“विभागीय कार्य को सुचारु रूप से सम्पन्न करने की दृष्टि से नीचे दर्शाये गए निम्नलिखित कर्मचारियों को उनके नाम के सम्मुख स्तम्भ चार में दर्शाये रक्त संस्था में आगामी आदेश तक कार्य करने हेतु निर्देशित किया जाता है।”

10.The Chhattisgarh Government vide its circular No.4025/2001/G.A.D./9, Raipur dated 04.06.2001 in para 3.1 issued following order:-

“3.1 किसी अधिकारी/कर्मचारी की उनकी मूल पदस्थापना के स्थान से अन्यत्र संलग्नीकरण नहीं किया जावे ।”

11.In the present case, the impugned order dated 05.05.2025 (Annexure P/1) passed by respondent No.2/Collector reveals that the petitioner has been directed to work in another place mentioned against his name “till further orders,” purportedly for smooth conduct of departmental work. It is evident from the language of the impugned order that the same amounts to an attachment order, whereby the services of the petitioner are placed in another place. However, the Government of Chhattisgarh, vide its circular No.4025/2001/GAD/9 dated 04.06.2001, has categorically directed in Clause 3.1 that no officer/employee shall be attached from their original place of posting to any other place. Further, the Hon’ble Division Bench of this Court, in the case of **Dayanath Kashyap (supra)** has held that “the impugned transfer orders seem to be

attachment orders and not the transfer order" and set-aside the order passed by the Co-Ordinate Bench and order of attachment in respect to the writ appellants.

12. Taking into consideration the above discussed facts in light of the judgment rendered by the Hon'ble Division Bench of this Court in the matter of ***Dayanath Kashyap*** (supra) & the circular issued by the Government of Chhattisgarh, vide circular No.4025/2001/GAD/9 dated 04.06.2001, this Court is of the view that the impugned order dated 05.05.2025 (Annexure P/1) is not sustainable in the eyes of law.

13. Accordingly, the writ petition deserves to be and is hereby **allowed**.

The impugned order dated 05.05.2025 (Annexure P/1), passed by respondent No.2, is hereby **set aside** in respect of the petitioner.

Sd/-

(Sanjay Kumar Jaiswal)
Vacation Judge