

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**WPS No.3050 of 2023**

Dhiraj Kumar Arya **Versus** State of Chhattisgarh & Ors.



12/05/2023	<p>Mr. Awadh Tripathi, Advocate for petitioner.</p> <p>Mr. Sandeep Dubey, Dy. Adv. General for State.</p> <p>Heard.</p> <p>Issue notice to the State/respondents.</p> <p>Mr. Sandeep Dubey, Dy. Advocate General accepts notice on behalf of State/respondents, hence process fee is not required to be paid for issuance of notice to respondents.</p> <p>Heard on IA No.1 of 2023, application for interim relief.</p> <p>Learned counsel for the petitioner submits that vide order dated 2.5.2023 services of the petitioner was attached from his present place of posting i.e. A.G.-II from the Office of Block Education Officer, Korba to District Election Office General Branch, Korba. He submits that the attachment is banned in view of the circular dated 4.6.2001 and even if the attachment is being effected on account of some election work, that is not permissible because the election has not been notified by the Election Commission and according to the guidelines issued, the demand has to be made by the Election Officer to the Governor and thereafter only the order of attachment could be passed.</p> <p>Learned State counsel opposes the submissions made by counsel for petitioner and submits that even if notification with regard to election is not issued, it is a continuous process for the purposes of performing the duties including preparation of electoral roles etc, the services of the petitioner can be attached and it cannot be said that there is violation of circulars or the guidelines. He further submits that in compliance of order dated 2.5.2023 the petitioner has already been relieved and he has been</p>



suspended also for non-compliance of the order.

In view of above, this Court at this stage not inclined to stay the impugned order.

List it in the week commencing 26<sup>th</sup> June, 2023.

Meanwhile, State may file reply on merits and also to application for interim relief.

Sd/-

(Sachin Singh Rajput)

Judge

Nisha

