

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2722 of 2015

- Smt. Elishaba Lakra Wd/o Late Anant Ram Aged About 59 Years
Assistant Grade II, Office Of Assistant Director, Fisheries
Department Near BTI, District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Fisheries Deptt.
Mahandi Bhavan, Naya Raipur Chhattisgarh
2. Collector District Bemetara Chhattisgarh
3. Assistant Director Fisheries Department Near BTI, District
Bemetara Chhattisgarh
4. Assistant Director Fisheries Department District Raigarh
Chhattisgarh

---- Respondent

For Petitioner	Mr. Raja Sharma, Advocate
For Respondent /State	Mr. P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

9/9/2015

This petition has been preferred seeking a direction to the respondents to relieve the petitioner from Bemetara and allow her to join at Raigarh in view of the transfer order dated 15.07.2014.

(2) By placing reliance upon the decision of the Supreme Court in *Sreedam Chandra Ghosh vs. State of Assam and others, (1996) 10 SCC 567*, and the decision rendered by the coordinate Bench of this Court in *Smt. Mayanka Upadhyaya vs. State of Chhattisgarh and*

others (W.P.(S) 5913 of 2014 decided on 2.3.2015), it has been argued that that once the transfer order is passed, its execution cannot be withheld for any reason whatsoever.

(3) The decision of *Sreedam Chandra Ghosh (supra)* and *Smt. Mayanka Upadhyaya (supra)* squarely applies to the facts of the present case, therefore, the writ petition is allowed in terms of the aforesaid decisions.

(4) For the foregoing, the respondents are directed to relieve the petitioner forthwith from Bemetara so as to enable her to join at the transferred place i.e. Raigarh.

Sd/-

Judge

(Prashant Kumra Mishra)

Gowri