

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3890 OF 2015**

Rakesh Kumar Goswami son of Shri Shambhu Dayal Goswami aged about 57 years Excise Sub Inspector Circle Pathalgaon District Jashpur (CG)

---Petitioner

Versus

1. The State of Chhattisgarh through Secretary Commercial Tax (Excise) Mahanadi Bhawan Mantralaya New Raipur (CG)
2. Special Secretary Commercial Tax (Excise) Department Mantralaya New Raipur District Raipur (CG)
3. The Excise Commissioner Chhattisgarh Excise Building Near Chhokra Nala Raipur District Raipur (CG)
4. Collector Jashpur District Jashpur (CG)
5. District Excise Officer Jashpur District Jashpur (CG)

---Respondents

For Petitioner	:	Mr. Raghvendra Pradhan, Advocate
For Respondents	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/10/2015**

1. Learned counsel for the petitioner seeks a direction to the respondents to execute the transfer order dated 27/08/2015 whereby he has been transferred from District Jashpur to District Janjgir Champa.

2. Learned counsel for the petitioner would submit that the order dated 27/08/2015 is still in force as it has neither been withdrawn nor modified. However, the said order has not been executed and the petitioner has not been relieved for submitting joining at the transferred place of posting. He would submit that the petitioner's representation for relieving him to join at the transferred place of posting has not been decided. He would

further submit that the respondent authorities are deliberately delaying the process of relieving the petitioner and he apprehends that someone else may be posted at the place where the petitioner has been transferred.

3. The Supreme Court in **Sreedam Chandra Ghosh v. State of Assam & Others**¹ has held that a direction for enforcement of executive orders may be issued by the Court.

4. Accordingly, the respondents are directed to ensure that the petitioner is relieved from the present place of posting to the place where he has been transferred subject, however, to compliance of any other administrative instructions issued by the State Government regarding relieving of an employee working in the schedule area. If the relieving of the petitioner is permissible under the extant guidelines/circulars, the petitioner shall be relieved within a period of two weeks from the date of receipt of a copy of this order. However, if the relieving is not permissible, the petitioner shall be informed by communication.

5. The writ petition is accordingly disposed off.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari

¹ (1996) 10 SCC 567