

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4162 of 2015**

- P. R. Thakur S/o Phool Singh Thakur, Aged About 57 Years
Presently Working As District Excise Officer, Narayanpur, P. S.
Narayanpur, District Narayanpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Commercial Tax
(Excise), Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur
Chhattisgarh
2. Excise Commissioner, Raipur, Chhattisgarh
3. Collector, Narayanpur, District Narayanpur, Chhattisgarh
4. Shiv Kumar Sahu, District Excise Officer, Presently Posted At
District Excise Officer, Chhattisgarh State Beverages Godown,
District Narayanpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C.J. K. Rao, Advocate.
For Respondents/State	:	Mr. Y.S. Thakur, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/11/2015**

(1) Learned counsel appearing for the petitioner submits that vide order dated 27.08.2015 (Annexure P-1) the petitioner has been transferred from District Excise Office, Narayanpur to Chhattisgarh State Beverages Godown, District Raiur. Thereafter, the petitioner has not been relieved to join at the new place of posting and even the petitioner has made requests in this regard, but no action has been taken till date. He further submits that once the order of transfer has been passed, it is for the Government to ensure that it is complied with immediately. He relies on a decision of the Supreme Court in

Sreedam Chandra Ghosh Vs. State of Assam & others¹, in support of his contention that if the order is not complied with, a direction can be issued for enforcement thereof.

(2) Learned counsel appearing for the State submits that if the transfer order dated 27.08.2015 (Annexure P-1) is still in existence and has not been complied with; appropriate steps would be taken to comply with the order.

(3) 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 scheduled 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.

(4) Accordingly, the writ petition is disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

¹ (1996) 10 SCC 567