

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4537 of 2015**

H. R. Jain S/o Late Shri Keja Ram, Aged About 52 Years Working On The Post Of Assistant Grade - II Presently Posted at Konta, Office Of Block Education Officer, Department Of Tribal Welfare, District Sukma (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Schedule Caste & Schedule Tribe Development Mahanadi Bhawan New Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Department Of Schedule Tribe & Schedule Caste Development, Pandit Ravishankar Vishwavidalya Campus Raipur, District Raipur (Chhattisgarh)
3. Assistant Commissioner, Tribal Welfare Department, Sukma, District Sukma (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. F.S.Khare, Advocate.
For Respondents	:	Mr. Dhiraj Wankhede, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/12/2015**

1. Though the matter is listed for admission, but since short point is involved, it is heard finally.
2. The petitioner was transferred by order dated 15.7.2014 from the office of Block Education Officer, Konta, District Sukma to Kanker, but he was not relieved. He filed writ petition being WP (S) No.5289 of 2014, in which this Court directed to ensure that the petitioner is relieved from the present place of posting to the place where he has been transferred, but he has not been relieved. Thereafter, the petitioner filed contempt petition being Contempt Case (C) No.125 of 2015 which was disposed off.

3. Learned counsel for the petitioner by placing reliance of paragraphs 3, 4 and 5 of the order dated 16.9.2015 passed by coordinate Bench of this Court in WPS No.3366 of 2015 submits that the petitioner is entitled to be relieved, which state as under:-

“3. By placing reliance upon the decision of the Supreme Court in **Sreedam Chandra 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 once the transfer order is passed, its execution cannot be withheld for any reason whatsoever.

4. 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.

5. For the foregoing, the respondents are directed to relieve the petitioner forthwith from Sukma so as to enable him to join at the transferred place i.e. Rajnandgaon.”

4. In view of above, the respondent No.3/Assistant Commissioner, Tribal Welfare Department, Sukma is directed to relieve the petitioner forthwith/within three days from the date of receipt of copy of this order from Sukma so as to enable him to join at the transferred place i.e. Kanker.

5. Accordingly, the writ petition stands finally disposed off. NO order as to cost(s).

6. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

