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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3366 of 2015

- Pramendra Kumar Maheshwari S/o Preet Lal Maheshwari, Aged About 30 Years Working On The Post Of Rural Agriculture Extension Officer, Posted At Sukma, Block Sukma, District Sukma (Chhattisgarh), Permanent R/o Ambagarh Chowki, Ward No. 8, P.S. Ambagarh Chowki, Civil And Revenue District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Agriculture, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Additional Secretary, Department Of Agriculture, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
3. Collector, Sukma, District Sukma, (Chhattisgarh)
4. Deputy Director Agriculture, Sukma, District Sukma, (Chhattisgarh)

Respondents

For Petitioner	Mr. F.S. Khare, Advocate
For Respondent/State	Mr. Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/9/2015

Heard.

(2) This petition has been preferred by the petitioner seeking a direction to the respondents to relieve him from Sukma and allow him to join at Rajnandgaon in view of the transfer order dated 15.07.2014.

(3) 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.

(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. Sd/-

Judge

(Prashant Kumar Mishra)

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