

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4103 of 2016**

- Nohar Singh Uikey S/o Shri Vishram Ram Uikey, Aged About 34 Years Rural Agriculture Extension Officer, Block Bhairamgarh, District Bijapur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Agriculture And Bio Technology, Mahandi Bhawan, Naya Raipur, Police Staiton Naya Raipur, District Raipur Chhattisgarh
2. Additional Secretary, Department Of Agriculture And Bio Technology, Mahandi Bhawan, Naya Raipur, Police Staiton Naya Raipur, District Raipur Chhattisgarh
3. Collector, Bijapur, Ditrect Bijapur Chhattisgarh
4. Deputy Director, Agriculture, Bikaspur, District Bijapur Chhattisgarh
5. Senior Agriculture Development Officer, Block Bhairamgarh, District Bijapur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ashok Kumar Swarnakar, Advocate
For State	:	Mr. Dhiraj Wankhede, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

26/08/2016

Heard on admission.

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 29.07.2016, he is not being relieved. He submits that the present policy dated 11.06.2016 does not prohibit relieving on the ground that reliever has not come because it is not a case of transfer from scheduled area to non-scheduled area but transfer from scheduled area to scheduled area only.
2. On the other hand, learned State counsel submits that the petitioner is posted at a sensitive place in core scheduled area and if the reliever of the petitioner has not come, relieving of the petitioner may adversely affect the administrative exigency.

3. At the first place, the policy which requires that the Government servant of scheduled area shall not be relieved till reliever has not joined, is applicable only in the case where the transfer is from the scheduled area to a non scheduled area as clearly provided in clause 2.6 of policy dated 11.06.2016.
4. The issue regarding implementation of transfer order has been considered by this Court in the case of **Ms. Manisha Agrawal Vs. State of Chhattisgarh and Others, 2015(4) C.G.L.J.182**, wherein relying upon several judgment of the Supreme Court, it has been held by this Court that once the employee has been transferred, it is required to be complied with unless it is modified, varied or cancelled.
5. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
6. Accordingly, this petition is disposed off with the direction that if the transfer order of the petitioner is not cancelled, varied or kept in abeyance by the respondent-Transferring Authority, the petitioner would be required to be relieved towards implementation, execution of the transfer order.
7. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge