

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5202 of 2016

Vikas Gupta S/o Shri Brij Gupta, Aged About 31 Years Presently Posted As Sub Engineer, Rural Engineering Services Sub Division Basna, Distirct Mahasamund Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development, Department, Mahanadi Bhawan, Mantralaya, New Raipur Distirct Raipur Chhattisgarh
2. Joint Secretary, Panchayat And Rural Development, Department, Mahanadi Bhawan, Mantralaya, New Raipur, Distirct Raipur Chhattisgarh
3. Collector, Mahasamund, District Mahasamund Chhattisgarh
4. Executive Engineer, Rural Engineering Services, Mahasamund, Distirct Mahasamund Chhattisgarh

---- Respondents

Shri Raghvendra Pradhan, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/09/2016

Heard.

The grievance of the petitioner is that even though the petitioner has been transferred vide order dated 29/07/2016, he is not being relieved.

2. 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. 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 judgments 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.

4. 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.

5. 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.

6. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge