

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5827 of 2016

Ashish Yadav S/o Shri R. Yadav, Aged About 31 Years Rural Agriculture Extension Officer, Bijapur, Post, Thana & District Bijapur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Agriculture And Biotechnology Department, Mahanadi Bhawan, Ministry New Raipur, (Chhattisgarh)
2. Dy. Director, Agriculture Department, Bijapur, District Bijapur, (Chhattisgarh)
3. Sub Divisional Officer, Agriculture, Bijapur, District Bijapur, (Chhattisgarh)

---- Respondents

Shri Somkant Verma, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/10/2016

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 normally, when the reliever comes, then only the officer transferred is relieved. In the transfer order, it has been clearly stated that after 15 days, the employees shall be deemed to have been relieved and salary shall not be drawn from the earlier place of posting and in case of violation of the order, the concerned authority shall be proceeded against on administrative side.

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 a 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