

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5847 of 2016

M. P. Panigrahi S/o Late Anant Prasad Panigrhi, Aged About 50
Years Presently Posted As Assistant Grade 2 Office Of Janpad
Panchayat Sukma, District Sukma Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Tribal Welfare
Department, Mahandi Bhawan, Mantralaya, Naya Raipur, District
Raipur Chhattisgarh
2. Commissioner, Tribal Welfare Department, Raipur District Raipur
Chhattisgarh
3. Collector, Sukma, District Sukma Chhattisgarh
4. Additional Collector, Sukma, District Sukma Chhattisgarh
5. Assistant Commissioner Tribal Welfare Department, District Sukma,
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. CJK Rao, Advocate
For State/Respondents	:	Mr. D.R. Minj, Dy. G.A.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/10/2016

Heard.

1. The grievance of the petitioner is that even though the petitioner has
been transferred vide order dated 30.07.2016 by the State Government,
the petitioner is not being relieved.
2. Once there is an order of transfer, unless the State Government,
itself, modified/cancelled or kept in abeyance, all subordinate authorities
are obliged under the law to comply with the order.
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.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha