

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6308 of 2016

Santosh Kumar Jain S/o Late Shri Salikram Jain, Aged About 40 Years R/o Amgaon, Block Farasgaon, Distt. Kondagaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. The Collector, District- Kondagaon, Chhattisgarh
3. District Education Officer, District- Kondagaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

22/11/2016

Heard on admission.

1. The grievance of the petitioner is that even though the petitioner has been transferred vide order dated 30th July, 2016 , he is not being relieved.
2. According to learned counsel for the petitioner and the averments made in the petition, till date, the order passed by the State Govt. has not been stayed, varied or modified by the State Govt. Therefore, in these circumstances, execution of the unconditional transfer order cannot be kept in abeyance by the authority subordinate to the State Govt.
3. Learned counsel for the State submits that unless the State Govt itself stay, vary or modify the transfer order, the authority subordinate to the State are liable for compliance of the order.

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 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.
5. Therefore, it is directed that respondent No.3 shall forthwith relieve the petitioner towards compliance of the order of transfer so that the petitioner can submit his joining at the transferred place as per the transfer order.
6. The petition is accordingly finally disposed off with the observation and direction as above.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge