

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6371 of 2016

Smt. Kajal Lekha Paul W/o Late K. Premnath, Aged About 56 Years Presently
Posted As Accountant At Community Health Centre Devbhog, District
Gariyaband Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family
Welfare Chhattisgarh Government Mahanadi Bhawan, Mantralaya, Naya Raipur
P.S. Rakhi, Chhattisgarh
2. The Commissioner, Health Services Chhattisgarh Government Old Nurses
Hostel Raipur Chhattisgarh
3. Collector, District Gariyaband Chhattisgarh
4. Chief Medical And Health Officer, Gariyaband, District Gariyaband Chhattisgarh
5. Block Medical Officer, Community Health Center Devbhog, District Gariyaband
Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rakesh Dubey, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

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

Order On Board

23/11/2016

Heard on admission.

1. The petitioner has filed this petition on the grievance that even though the State Government has passed the transfer order on 30th July, 2016, she is not being relieved.
2. The order of transfer shows that there is no condition with regard to relieve, but on the contrary, order clearly shows that the petitioner shall be treated having been relieved after 15 days and in the event of non-compliance of the order, concerned controlling authority shall be subjected to disciplinary action.

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. In view of the aforesaid, unless the transfer order is cancelled, varied or kept in abeyance by the respondent-Transferring Authority, the same is required to be complied with.
5. In fact, the petitioner is to be treated as relieved to join at the new place of posting. The petitioner shall be relieved forthwith and allowed to join at the new place of posting in compliance of the transfer order.
6. The petition is accordingly finally disposed off with the observation and direction as above.

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