

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6816 of 2016

Yashpal Turkar S/o Shri B. S. Turkar, Aged About 28
Years Assistant Grade III, Presently Posted At Block
Education Office, Konta, Sukama, Distt Sukama
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary To The
Govt. Chhattisgarh, Department Of School Education,
Mantralaya, Mahanadi Bhavan, Naya Raipur, P S Rakhi,
Raipur, (Chhattisgarh)
2. The Block Education Officer, Konta, Sukama, Distt
Sukma, (Chhattisgarh)

---- Respondents

For Petitioner	: Shri A.D. Shrivastava, Advocate
For Respondent/State	: Shri R.K. Gupta, Dy. A.G.

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

Order On Board

19/12/2016

Heard on admission.

1. The grievance of the petitioner is that even though the petitioner has been transferred vide order dated 30.07.2016, he is not being relieved.
2. Learned State counsel refers to the transfer policy to submit that under the transfer policy where the officers are posted in scheduled area unless the reliever comes, they would not be relieved.
3. It is surprisingly to note that despite order passed by this Court in the case of **Ms. Manisha Agrawal Vs. State of Chhattisgarh and Others, 2015(4) C.G.L.J.182**, the officers are not being relieved which means that ignoring the judicial

verdict in the case as given in Ms. Manisha Agrawal (supra), the administrative instructions are being preferred. This should not have been done. Once the issue has been decided by this Court in the case of Ms. Manisha Agrawal (supra), the administrative instructions cannot be made a basis in ignorance of the judicial verdict.

4. In view of the order passed by this Court in the case of Ms. Manisha Agrawal (supra), 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 executed, unless it is modified, varied or cancelled by the State Government itself. .

5. Therefore, in these circumstances, this petition is disposed off with the direction that the petitioner shall be relieved forthwith by the controlling authority in compliance of order dated 30.07.2016, unless the State has not modified, varied or cancelled the impugned transfer order.

Sd/-

(Manindra Mohan Shrivastava)
Judge