

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2940 of 2016

Smt. Astha Pandey W/o Abhinav Pandey, Aged About 31 Years R/o Qtr. No. 241 (Sapna), Near Shiv Mandir, Gitanjali City Phase- 2, Bahtarai Road, Sarkanda, Behind Police Station District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through its Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat Bilaspur, District Bilaspur (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat Janjgir, District Janjgir Champa (Chhattisgarh)
4. Principal, Government High Secondary Singhri, Block Belha, District Bilaspur (Chhattisgarh)

---- Respondents

For Applicant : Shri Mateen Siddiqui & Shri Sandeep Singh, Advocate
For Respondents 1 & 4 : Shri R.K. Gupta, Dy.A.G.

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

Order On Board

15/12/2016

Heard.

1. In this writ petition, challenge is made to the order by which the earlier executed transfer order has been cancelled.
2. Despite service of notice, the respondents No. 2 & 3 have not appeared to justify their order.
3. The issue whether an executed transfer order could be cancelled or not has already been settled by this Court in the cases of *Brajendra Singh Vs. State of Chhattisgarh & Ors.*¹, *Dr. Toshan Lal Todar Vs. State of Chhattisgarh & Ors.*² and *Khubchand Verma Vs. State of Chhattisgarh & Ors.*³ that once the transfer

¹ WPS No.5012/2009, decided on 9.3.2010

² WPS No.855/2012, decided on 27.2.2012

³ WPS No.1054/2012, decided on 2.3.2012

order is executed, the same cannot be cancelled.

4. It appears that no dispute is raised by respondents No. 2 & 3 by filing any reply that the order of transfer was not executed.
5. Therefore, in these circumstances, the impugned order is against the verdict of the Court. Therefore, the impugned order shall not be given effect to by the respondents. The petitioner shall be allowed to continue at the preset place of posting.
6. It is made clear that this order shall not come in the way of competent authority in passing fresh order of transfer on such grounds as are permissible under the Law.
7. The writ petition is accordingly finally disposed off.

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