

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4353 of 2016**

- Smt. Ritu Jowel W/o Shri V. Jowel, Aged About 28 Years Staff Nurse, Presently Working As District Hospital Bijapur, Post & Thana Bijapur, District Bijapur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Family And Health Welfare Department, Mahnadi Bhawan, Ministry New Raipur Chhattisgarh
2. Chief Medical And Health Officer, Bijapur, District Bijapur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Dhiraj Wankhede, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/09/2016**

Heard on admission.

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 27.07.2016, he is not being relieved.
2. Learned State counsel submits that the petitioner is posted at a sensitive place in core scheduled area and if the reliever of the petitioner has not come, relieving of the petitioner may adversely affect the administrative exigency.
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 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.

4. 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.
5. 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.
6. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge