

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4373 of 2016

Dr. Baijant Vishwakarma S/o Shri Khilan Singh Vishwakarma, Aged About 37 Years
Posted As Veterinary Assistant Surgeon Posted At Veterinary Hospital, Kirandul,
District- Dantewada (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Animal Husbandry Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur Chhattisgarh.
2. Additional Secretary, State Of Chhattisgarh, Animal Husbandry Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur Chhattisgarh.
3. Dr. Surendra Markam, Posted As Veterinary Assistant Surgeon Posted At Block Magarlod, Dhamtari, District- Dhamtari Chhattisgarh.
4. Collector, District- Dantewada Chhattisgarh.

---- Respondents

Shri Vivek Singhal, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/09/2016

Heard on admission.

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 25.07.2016, 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 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. 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