

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5287 of 2016

Smt. Parvati Patel W/o Shri Girdhari Patel, Aged About 38 Years Occupation-Service, Presently Working As- Tahsildar, Tahsil- Aarang, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Rajasva Aapda Prabandhan, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Secretary, Department Of General Administration, New Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
3. The Collector, Distt. Raipur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri M.K.Bhaduri, Advocate
For Respondent-State	:	Shri R.K.Gupta, Dy. A.G.

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

Order On Board

19/10/2016

Heard.

1. Learned counsel for the petitioner submits that vide order dated 28.6.2016, the petitioner was promoted as Tahsildar and posted at Abhanpur. The petitioner joined at Abhanpur. Thereafter, within the district, the Collector shifted the petitioner from Abhanpur to Arang vide order dated 8.9.2016. The petitioner also complied with this direction and joined at Arang and working and now, at this stage, the order of promotion passed on 28.6.2016 has been modified changing place of posting of the petitioner, which according to the petitioner is not permissible as the petitioner had already executed earlier order long back. Learned counsel for the petitioner submits that in view of order dated 9th July,

2014 passed by this Court in WPS No.3118 of 2014 where it has been held that an executed order cannot be cancelled, applying the same analogy in the present case where order has already been executed could not be modified.

2. Learned counsel for the State does not dispute this legal position in view of order dated 9th July, 2014 passed by this Court in WPS 3118 of 2014 and submits that if that be so, respondents may be granted an opportunity to pass appropriate order in accordance with law and the impugned order shall not be given effect to.
3. In view of the above, placing on record the submission of counsel for the State that the impugned order shall no longer be given effect to, the petition is finally disposed off. It goes without saying that this order shall not come in the way of State authority in passing appropriate orders on transfer and posting of the petitioner in accordance with exigencies of services.

Sd/-
(Manindra Mohan Shrivastava)
Judge