

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5977 of 2016

Dr. Vijay Singh Thakur S/o Late Shri B. S. Thakur, Aged About 45
Years Occupation Medical Officer, Community Health Center,
Geedam, South Bastar, District Dantewada (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family
Welfare Department, Mahanadi Bhawan, New Mantralay, District
Raipur (Chhattisgarh)
2. The Collector, Dantewada, District Dantewada (Chhattisgarh)
3. The Chief Medical And Health Officer, Block Geedam,
Dantewada, District Dantewada (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri S.K. Thomas, Advocate
For Respondent-State	:	Shri R.K. Gupta, Dy. A.G., on advance copy

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

Order On Board

02/11/2016

Heard on admission.

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 30.07.2016, he is not being relieved. He submits that the present policy dated 11.06.2016 does not prohibit relieving on the ground that reliever has not come because it is not a case of transfer from scheduled area to non-scheduled area but transfer from scheduled area to scheduled area only.

2. 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.

3. 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.

4. 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge