

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4829 of 2015**

- Ku. Fulmati Sahni D/o Late Shri Lakhamu Ram Sahni, Aged About 45 Years Posted As Teacher (Panchayat), Middle School, Turnar, District Bijapur, R/o Village Ityal, District Bijapur, (Chhattisgarh) Civil & Revenue Distt. Dakshin Bastar, Dantewada, (Chhattisgarh)

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat Social Welfare Department, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur, (Chhattisgarh)
2. The Collector, Bijapur, District Bijapur, (Chhattisgarh)
3. The Chief Executive Officer, Zila Panchayat, Bijapur, District Bijapur, (Chhattisgarh)

**---- Respondents**

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|------------------------------|---|-------------------------------------|
| For Petitioner               | : | Mr. Vikash A. Shrivastava, Advocate |
| For State / Respondent-1 & 2 | : | Mr. D.R. Minj, Dy. GA               |
| For Respondent No.3          | : | Mr. Sangharsh Pandey, Advocate      |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Order On Board**

**15/12/2016**

1. The petitioner has challenged the impugned order dated 28.11.2015 on the ground that the Collector could not have directed cancellation of executed transfer order.
2. At the outset, learned counsel for the petitioner stated that the petitioner wants to pursue this petition and has withdrawn the appeal filed before the appellate authority.
3. Learned counsel for respondent No.3 could not dispute the fact that in implementation of transfer order earlier passed on 29.07.2015, the petitioner had joined at the present place of posting which is at Turnar, District – Bijapur and within four months this order came to be passed.
4. In view of the settled legal position passed by this Court in the case of **Brajendra Singh v. State of Chhattisgarh & Others<sup>1</sup>**, **Dr. Toshan Lal Todar v. State of Chhattisgarh & Others<sup>2</sup>** and **Khubchand Verma v. State of Chhattisgarh & Others<sup>3</sup>**, it is

1 WP (S) No. 5012/2009, decided on 9.3.2010

2 WP (S) No. 855/2012, decided on 27.2.2012

3 WP (S) No. 1054/2012, decided on 2.3.2012

manifest that once the transfer order is executed, the same cannot be cancelled, therefore, in these circumstances, the Collector's order cannot be given effect to. The petitioner is allowed to continue at the present place of posting. It is made clear that this order shall not come in the way of the competent authority in passing fresh order of transfer on such ground as are permissible under the law.

5. The petition is accordingly disposed off.

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

Chandra