

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5412 of 2016

Krishna Kumar Netam S/o Late Jaylal Singh, Aged About 57 Years
Working As Agriculture Development, Officer Bijapur District Bijapur,
Chhattisgarh R/o Kumharpara Behind Kosa Centre Jagdalpur
Distirct Bastar Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of
Agriculture And Biological Mantralay, Mahanadi Bhawan, Naya
Raipur P.S. Rakhi, Distirct Raipur Chhattisgarh
2. The Assistant Soil Conservator, Officer District Bijapur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Siddhartha Bajpai, Advocate
For State/Respondents	:	Mr. B. Gop Kumar, Dy. A.G.

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

Order On Board

24/10/2016

Heard.

1. By this petition, the petitioner has prayed for a direction to the respondents to relieve him from the present place of posting in compliance of transfer order dated 22.07.2016, in order to facilitate joining at the transferred place.

2. Learned counsel for petitioner submits that once there is an order of transfer, unless it is modified/cancelled or kept in abeyance, it is required to be complied with. Learned counsel for petitioner placed reliance 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 respondents have an option to cancel, vary or modify or keep in abeyance.

4. Accordingly, it is directed that the respondents-transferring authority shall execute the transfer order in respect of the petitioner subject to a condition that it has not been varied, modified/cancelled or kept in abeyance and the petitioner would be required to be relieved towards implementation, execution of the transfer order.

5. With the aforesaid direction, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha