

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5382 of 2016

Harish Kumar Sinha S/o Shri R. Sinha, Aged About 36 Years Rural Agriculture,
Exension Officer, Kuakonda, Post Thana & District Dantewada Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Agriculture And Biotechnology
Department, Mahanadi Bhawan, Ministry New Raipur Chhattisgarh
2. Dy Director Agriculture Department, Dantewada, District Dantewada
Chhattisgarh

---- Respondents

For Petitioner	:	Shri Somkant Verma, Advocate
For Respondent-State	:	Shri B. Gop Kumar, Dy. A.G.

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

Order On Board

19/10/2016

Heard on admission.

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 29th July, 2016, he is not being relieved.
2. Learned State counsel submits that the petitioner is posted at a sensitive place in a 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 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.

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.

Sd/-
(Manindra Mohan Shrivastava)
Judge