

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5831 of 2016

Lokhit Bhagat S/o K.R. Bhagat,. Aged About 33 Years Block Para Bijapur
District Bijapur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Education
Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Collector, Bijapur, District Bijapur Chhattisgarh

---- Respondents

Shri Vinod Kumar Sharma, counsel for the petitioner/s.
Shri B.Gopa Kumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/10/2016

The grievance of the petitioner is that even though the petitioner has been transferred vide order dated 30/07/2016, he is not being relieved.

2. Learned State counsel submits that presumably, the reason that the reliever of the petitioner has not come and the petitioner has been posted at a core scheduled area, he has not been relieved.

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 judgments 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 a 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.

6. The petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Deepti