

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1656 of 2017

- Kuleshwar Joshi S/o Late Shri Biselal Joshi, Aged About 44 Years R/o G-17, G A D Colony, Narayanpur, Posted As Sub Engineer In The Office Of Executive Engineer, Water Resources Division Narayanapur, Police Station, District Narayanpur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Matralaya, Naya Raipur, Police Station Rakhi, District Raipur (Chhattisgarh).
2. Executive Engineer, Water Resources Division Narayanpur, Police Station, District Narayanpur (Chhattisgarh).
3. Sub Divisional Officer, Water Resources Sub Division Narayanpur, Police Station, District Narayanpur (Chhattisgarh).
4. Prakash Kumar Sahu, Aged About 58 Years Posted As Executive Enineer, Water Resources Division Narayanpur, Police Station, District Narayanpur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Bhaskar Payashi, Advocate
For Respondents-State	:	Shri SP Kale, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/04/2017

1. Learned counsel appearing for the petitioner submits that vide order dated 21.07.2016 (Annexure P/3), the petitioner, working as Sub-Engineer, in the office of Executive Engineer, Water Resource Division, Narayanpur has been transferred to Mahasamund. However, the petitioner has not yet been relieved to join the new place of posting. He would further submits that once the order of transfer has been passed, it is for the government to ensure that it is complied with immediately. He relies on a decision of the Supreme Court in ***Sreedam Chandra Ghosh Vs. State of Assam & others, (1996)***

10 SCC 567, in support of his contention that if the order is not complied with, a direction can be issued for enforcement thereof.

2. Learned counsel appearing for the State/respondents submit that if the transfer order dated 21.07.2016 (Annexure P/3) is still in existence and has not been complied with, appropriate steps would be taken to comply with the order.
3. If the aforesaid transfer order is still in existence and no other order has been passed in respect of the petitioner, the government is under an obligation to comply with the same at once. It is accordingly directed that the transfer order shall be complied with forthwith, within a period of two weeks.
4. Accordingly, this petition is disposed of.

Sd/-

Judge

Prashant Kumar Mishra

Ashu