

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5010 of 2017

- Sadanand Dewangan, S/o Late Ganesh Ram Dewangan, Aged About 57 Years, Posted As Area Manager, Paddy Collection Centre, Bazar Charbhata District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies Mantralaya Mahanadi Bahawan, Naya Raipur, District Rapur, Chhattisgarh.
2. Managing Director, Chhattisgarh State Marketing Federation - 880, Civil Lines, Head Office Raipur District Raipur Chhattisgarh.
3. Tamash Singh Asstt. Manager, Chhattisgarh State Marketing Federation, District Mahasamund Chhattisgarh.

---- Respondent

For Petitioner
For Respondent-State
For Respondent Nos.2

Shri V. R. Tiwari, Advocate
Ms. K. Tripti Rao, PL
Shri Akash Pandey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2017

1. It is argued that by order dated 29.08.2017, the petitioner, who is working as Assistant Manager, was transferred from *Dhan* Tumadabri, District Mahasamund to *Dhan* Charbhatha, District Kawardha, pursuant to which the petitioner was relieved on 06.09.2017 and has joined at the transferred place on 07.09.2017 (page 14), however, immediately thereafter another order was passed on 14.09.2017 modifying the transfer order by posting the

petitioner at *Dhan/Khad* Bhanupratappur, District Kanker and posting the respondent No.3 at his place.

2. The respondent No.3 has not entered appearance despite service of notice.
3. Learned counsel for the respondents would submit that the modified order has been passed on administrative exigency.
4. It is settled that executed transfer order cannot be modified inasmuch as it becomes *nonest* for any further action. In such a situation, the only course available to the employer or the competent authority is to pass fresh order of transfer, which has not been done in the instant case.
5. Considering the entire facts situation of the case, the writ petition is allowed and the impugned order is set aside.

Sd/-

Judge

Prashant Kumar Mishra

Nirala