

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5706 of 2017

1. Ram Krishana Sahu S/o Shri I.R. Sahu Aged About 36 Years Assistant Teacher (Panchayat), Govt. Primary School Boirpara, Block- Charama, District- Kanker, Chhattisgarh
2. Suresh Kumar Ramteke S/o Shri Murari Ramteke Aged About 33 Years Assistant Teacher (Panchayat), Govt. Primary School Emlipara, Block- Charama, District- Kanker, Chhattisgarh
3. Smt. Triveni Jain W/o Shri S.K. Jain Aged About 38 Years Assistant Teacher (Panchayat), Govt. Primary School Pattharri, Block- Kanker, District- Kanker, Chhattisgarh
4. Smt. Nigeshwari Jain W/o Shri Mukesh Kumar Jain Aged About 30 Years Assistant Teacher (Panchayat), Govt. Primary School Nathiya Nawagaon, Block- Kanker, District- Kanker, Chhattisgarh
5. Smt. Kusumlata Gagda W/o Shri Vijay Gagda Aged About 35 Years Assistant Teacher (Panchayat), Govt. Primary School Bharripara (Pushwada), Block- Kanker, District- Kanker, Chhattisgarh
6. Vijay Gagda S/o Shri S. Gagda Aged About 38 Years Assistant Teacher (Panchayat), Govt. Primary School Lulaigondi, Block- Kanker, District- Kanker, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, Kanker, District- Kanker, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat, Kanker, District- Kanker, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Charama, District- Kanker, Chhattisgarh
5. Tresury Officer, Treasury, Account And Pension, Kanker, District- Kanker, Chhattisgarh

---- Respondents

For Petitioners	Shri Somkant Verma, Advocate
For Respondent-State	Shri Sameer Behar, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/11/2017

1. Learned counsel for the petitioners submits that the issue involved in the present case is squarely covered by the judgment rendered by this Court in the matter of **Ku. Girija Patel vs State of Chhattisgarh and others**), passed in WPS No. 2791 of 2017 on 03.07.2017, in respect of similarly situated employee, whose transfer from the jurisdiction of one Zila Panchayat to other Zila Panchayat has been held to be without jurisdiction and illegal by this Court in WPS No. 1273 of 2016 (**Smt. Geeta Sukhdeve Vs. State of Chhattisgarh and others**) and batch of petitions, decided on 23.12.2016.
2. Learned counsel for the petitioners submits that **Ku. Girija Patel** (supra) was also one of the aggrieved employee like the petitioners, who had assailed the order of transfer from one Zila Panchayat to other Zila Panchayat, which was set aside by this Court. Later on, **Ku. Girija Patel** (supra) filed another petition bearing WPS No.2791 of 2017 claiming that she is entitled to salary for the period it was not paid to her for non-joining pursuant to the impugned order of transfer. That petition has been allowed vide order dated 03.07.2017 with the direction to make payment of salary with effect from the date of transfer till the date of joining.

3. Learned State counsel would not dispute the legal position and that the case of the petitioners is similar to that of **Ku.Girija Patel** (supra), in whose favour the order has been passed by this Court on 03.07.2017. He, however, submits that it would require factual verification as to the date on which the petitioner joined duty.
4. In view of the aforesaid submission, I am inclined to allow this petition on the same terms as in the case of **Ku. Girija Patel** (supra) and direct the respondents to grant consequential relief including wages with effect from the date of transfer till the date the petitioners joined their duty. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-

Judge

Prashant Kumar Mishra

Nirala