

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5902 of 2017**

1. Rakesh Kumar Yadav S/o Shri Ghurauram Yadav, Aged About 34 Years Presently Posted as Assistant Teacher Panchayat At Government Primary School Usrout (Tarapur), Raigarh, R/o Pusor, P. S. Pusor, Tahsil Pusor, District Raigarh, Chhattisgarh.
2. Krishan Kant Sarthi, S/o Gangaram Sarthi, Aged About 30 Years Presently Posted as Assistant Teacher (Panchayat) at Government Primary School Gaurabrahi (Samkera), Block Tamnar, District Raigarh, R/o Village Kotmara, Tahsil Tamnar, District Raigarh, Chhattisgarh.
3. Arath Ram Rathia, S/o Kanshi Ram Rathia, Aged About 43 Years Presently Posted as Assistant Teacher (Panchayat) at Government Primary School Bagbuda, Saraipali, District Raigarh, R/o Singhanpur, Block Kharsia, P. S. Bhupdeopur, Raigarh, District Raigarh, Chhattisgarh.
4. Anup Bek, S/o Late Shri Sebesityan Bek, Aged About 29 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School Bhattikona, Jivari (Saraipali), Block Tamnar, District Raigarh, Chhattisgarh, R/o Village Shivpuri, Tahsil Raigarh, P. S. Raigarh, District Raigarh, Chhattisgarh.
5. Kishore Kumar Pradhan, S/o Shri Sitaram Pradhan, Aged About 27 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School Gadgaon (Saraipali), Raigarh, R/o Sodekela, Post Badehardi, Tahsil Pussore, District Raigarh, Chhattisgarh.
6. Kamal Prasad Dansena, S/o Shri Gorekhnath Dansena, Aged About 33 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School, Jamchuwan (Saraipali), Raigarh, R/o Railway Bungla Para Raigarh, District Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Raigarh, And Tamnar,

District Raigarh, Chhattisgarh.

---- Respondent

For Petitioners
For Respondents/State

Shri R.S. Patel, Advocate.
Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/11/2017

1. Heard.
2. Learned counsel for the petitioner submits that the issue involved in the present case is squarely covered by the order dated 03.07.2017 passed in WPS No. 2791 of 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.
3. Learned counsel for the petitioner submits that one Ku. Girija Patel was also one of the aggrieved employee like the petitioner 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 filed another petition 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.
4. Learned State counsel could not dispute the legal position and

that the case of the petitioner is similar to that of Ku.Girija Patel in whose favour, order has been passed by this Court on 03.07.2017. He, however, submits that it would require factual verification as to the date which the petitioner joined duty.

5. 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 (WPS No. 2791 of 2017) decided vide order dated 03.07.2017 and direct respondents to grant consequential relief including wages with effect from the date of transfer till the date, the petitioner joined his duty. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh