

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5723 of 2017**

1. Satyawati Bariha D/o Parmanand Bariha, Aged About 27 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Semrapali, Janpad Panchayat, Sarangarh, District Raigarh Chhattisgarh.
2. Smt. Dalima Sidar W/o Padum Sidar, Aged About 31 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Kapartunga, Janpad Panchayat, Sarangarh, District Raigarh Chhattisgarh.
3. Ram Kumar Sidar S/o Dev Singh Sidar, Aged About 45 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Sahaspani, Janpad Panchayat, Sarangarh, District Raigarh Chhattisgarh.
4. Viond Jolhe S/o Dwarika Prasad Jolhe Aged About 31 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Ghothla Bade, Janpad Panchayat, Sarangarh, District Raigarh Chhattisgarh.
5. Upendra Kumar Bhardwaj S/o Jwala Prasad Bhardwaj, Aged About 27 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Chhatouna, Janpad Panchayat, Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

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

---- Respondent

For Petitioners

Mr. Govind Dewangan, Advocate

For Respondent /State

Mr. R.K. Gupta, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

2/11/2017

(1) Heard.

(2) Learned counsel for the petitioners submits that the issue involved in the present case is squarely covered by order dated 3.7.2017 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 Sukhdev Vs. State of Chhattisgarh and others) and batch of petitions.

(3) Learned counsel for the petitioners submits that one Ku. Girija Patel, who 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 3.7.2017 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 petitioners is similar to that of Ku. Girija Patel in whose favour, order has been passed by this Court on 3.7.2017. He, however, submits that it would require factual verification as to the date on which the petitioners 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 3.7.2017 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)