

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6348 of 2017

- Sharad Chand Sahu Shri Janak Ram Sahu, Aged About 39 Years Presently Posted As Assistant Teacher (Panchayat) at Govt. Primary School, Khamhariya, Block Tamnar, District Raigarh, R/o Village Kasdol, Tahsil , District Raigarh Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

For Petitioner
For Respondent-State

Shri Ishan Verma, Advocate
Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/11/2017

1. Learned counsel for the petitioner would submit 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, decided 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 Sukhdev Vs. State of Chhattisgarh and others**) and batch of petitions, decided on 23.12.2016.

2. Learned counsel for the petitioner would submit that **Ku. Girija Patel** (supra) was also one of the aggrieved employee like the petitioner, 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 a writ 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 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 petitioner is similar to that of **Ku. Girija Patel** (supra), in whose favour order has been passed by this Court on 03.07.2017. He, however, would submit that it would require factual verification as to the date 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 petitioner joined his duty. Let necessary steps be taken in this regard within a period of 60 days from today.

5. The writ petition stands allowed in terms of the order passed in **Ku. Girija Patel** (supra).

Sd/-

Judge

Prashant Kumar Mishra

Nirala