

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6377 of 2017

1. Nikku Anand S/o Rameshwar Anand Aged About 32 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School, Dumardih, Janpad Panchayat, Sarangarh, District Raigarh, Chhattisgarh
2. Pushpa Patel D/o Sanjay Kumar Patel Aged About 26 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School, Ghouthla Chhote, Janpad Panchayat, Sarangarh, District Raigarh Chhattisgarh.
3. Smt. Sandhya Pankaj W/o Vipin Kumar Basant Aged About 28 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School Mahkampur Janpad Panchayat, Sarangarh District Raigarh Chhattisgarh.
4. Rajaram Yadav S/o Sururam Yadav Aged About 33 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School, Bhawarpur, Janpad Panchayat, Sarangarh District Raigarh Chhattisgarh.
5. Santosh Singh Rajput S/o Motilal Rajput Aged About 33 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School , Jharpali, Janpad Panchayat , Sarangarh District Raigarh Chhattisgarh.
6. Sandip Kumar Yadav S/o D. R. Yadav Aged About 27 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School Dumardih Janpad Panchayat Sarangarh District Raigarh Chhattisgarh.
7. Nakul Sidar S/o Rameshwar Anand Aged About 28 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School ,tenduaa , Janpad Panchayat, Sarangarh District Raigarh Chhattisgarh.
8. Vipin Sidar S/o Sukhiram Sidar Aged About 29 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School ,ganjai Bhouna .Janpad Panchayat, Sarangarh District Raigarh Chhattisgarh.
9. Umashankar Patel S/o Megh Nath Patel Aged About 30 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School ,ganjai Bhouna , Janpad Panchayat, Sarangarh District Raigarh Chhattisgarh.
10. Sanjay Patel S/o Brij Mohan Patel Aged About 30 Years Presently Working As Assistant Teacher (Panchayat) Government Primary School , Kharwani Chhote , Janpad Panchayat, Sarangarh District Raigarh Chhattisgarh.
11. Pramod Kumar Mahesh S/o Prasad Dar Mahesh Aged About 32

Years Presently Working As Assistant Teacher (Panchayat)
Goverment Primary School, Jevra, 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.

---- Respondents

For Petitioners
For Respondent-State

Shri Govind Dewangan, Advocate
Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/11/2017

1. Learned counsel for the petitioners 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 Sukhdeve Vs. State of Chhattisgarh and others**) and batch of petitions, decided on 23.12.2016.
2. Learned counsel for the petitioners would submit 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 Panchayast, which was set aside by this Court. Later on, **Ku. Girija Patel** (supra) filed another 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 petitioners 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 petitioners 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.
5. The writ petition stands allowed in terms of the order passed in **Ku. Girija Patel** (supra).

Sd/-

Judge
Prashant Kumar Mishra