

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6740 of 2017

- Dr. Vishwanath Patel S/o Late Suklal Patel Aged About 35 Years Working As Ayush Medical Officer, Primary Health Center, Navanagar, Block Ambikapur, District Surguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Director, Ayush, Chhattisgarh, District Raipur, Chhattisgarh.
3. District Ayurved Officer, Ambikapur, District Surguja, Chhattisgarh.
4. Collector, Ambikapur, District Surguja, Chhattisgarh.
5. Dr. C S Gauraha, Ayush Medical Officer, Govt. Ayush Hospital, Gatoura, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	Shri C. J. K. Rao, Advocate
For Respondent-State	Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05/12/2017

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 12.08.2017, he is not being relieved.
2. The issue regarding implementation of transfer order has been considered by this Court in the case of **Ms. Manisha Agrawal**

Vs. State of Chhattigarh and others, 2015(4) C.G.L.J.182,

wherein relying upon several judgments of the Supreme Court, it has been held by this Court that once the employee has been transferred, it is required to be complied with unless it is modified, varied or cancelled.

3. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
4. Accordingly, the writ petition is disposed of with the direction that if the transfer order of the petitioner is still operative, the respondent authorities shall relieve the petitioner towards implementation of the transfer order dated 12.08.2017.
5. It is also made clear that if any administrative exigency impede the petitioner's relieving, the petitioner shall be informed in writing. It will also remain open for the respondents to reconsider the issue of transfer on account of any administrative exigency.

Sd/-

Judge

Prashant Kumar Mishra

Nirala