

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6962 of 2017

- Takesh Kumar Nishad S/o Shri Dhansai Nishad, Aged About 31 Years R/o Village Rainpartewa P. S. & Tahsil Chura, District Gariyaband Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mahanadi Mantralaya, Police Station & Post Rakhi, New Raipur, District Raipur (Chhattisgarh).
2. Collector, Office Of Collectorate, Gariyaband, District Gariyaband (Chhattisgarh).
3. Tahsildar, Tahsil Office, Mainpur, District Gariyaband Chhattisgarh

---- Respondent

For Petitioner
For Respondent-State

Shri Abhishek Pandey, Advocate
Shri R. K. Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/12/2017

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 14.08.2017, 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 14.08.2017.
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