

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 574 of 2016**

Smt. Anita Markam W/o Shri Shiv Netam, Aged About 24 Years
 Assistant Grade- III, Katekalyan, Post, Thana, Tahsil- Katekalyan,
 District- Dantewada, Chhattisgarh **---- Petitioner**

Versus

Shri Subhas Ganjeer District Education Officer, Dantewada, Distt.
 Dantewada, Chhattisgarh **---- Respondent**

For Petitioner	:	Mr. Somkant Verma, Advocate
For Respondent	:	Mr. Vipin Tiwari, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****10/01/2017**

Heard.

1. In the reply filed by the respondent, he submits that as it is a case of inter-district transfer, the respondent is not the competent authority. The Collector vide order dated 08.11.2016 has written a letter to the Government to cancel the transfer order of the petitioner.
2. Learned counsel for the petitioner submits that it is the respondent, who is competent to relieve the petitioner and other employees, who have been transferred inter-district, have actually been relieved by the respondent.
3. It appears that the Collector has, himself, assumed the powers on 08.11.2016 and has written a letter to the Government to cancel the order.
4. The order passed by this Court on 08.09.2016 clearly stated that unless the transfer order is cancelled, varied or kept in abeyance by transferring authority, the petitioner would be required to be relieved towards implementation, execution of the transfer order.

The order did not mean that any authority had to enter into an

exercise to seek cancellation of the order, it only meant that if, till passing of the order on 08.09.2016, the transfer order was not cancelled, varied or kept in abeyance by the Government, the petitioner ought to be relieved.

5. The Collector appears to have undertaken exercise of requesting the Government to cancel the transfer order. Leaving it open for the Government to take appropriate decision in the matter, the order passed by this Court needs to be complied with forthwith. Let the copy of the order be submitted by the petitioner before the Collector. The letter of the Collector dated 08.11.2016 clearly shows that till passing of the order dated 08.09.2016, the transfer order of the petitioner was neither cancelled, varied or kept in abeyance. The only course open is to forthwith relieve the petitioner. If it is found that within three days from the date of receipt of copy of this order, the petitioner is not relieved, this Court would be constrained to initiate contempt proceedings against erring officials.

6. The contempt petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge