NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3033 of 2017

Sunder Lal Choudhary S/o Shri Nirmal Choudhary, Aged About 43 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School Jakela Pusor, R/o Village Post Kondatarai, Tahsil Pusor District Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahandi, Bhawan, Naya Raipur, Raipur, C.G.
2. The Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh (Chhattisgarh).
3. The Chief Executive Officer, Janpad Panchayat Pussore, District Raigarh (Chhattisgarh).

---- Respondents

For Petitioner : Shri Mateen Siddiqui, Advocate,
For State : Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/07/2017

Heard.

1. Learned counsel for the petitioner submits that the issue involved in the present case is squarely covered by order dated 03.07.2017 passed in WPS No.2791 of 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.

2. Learned counsel for the petitioner submits that one Ku. Girija Patel was also one of the aggrieved employee like the petitioner 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 filed another petition

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 the direction to make payment of salary with effect from the date of transfer till the date of joining.

3. Learned State counsel could not dispute the legal position and that the case of the petitioner is similar to that of Ku. Girija Patel in whose favour, order has been passed by this Court on 03.07.2017. He, however, submits that it would require factual verification as to the date on 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 (WPS No.2791 of 2017) decided vide order dated 03.07.2017 and direct respondents to grant consequential relief including wages with effect from the date of transfer till the date, the petitioner joined her duty. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen