NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5368 of 2017

1. Mahesh Naik S/o Devi Prasad Naik Aged About 35 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Bhadiudan, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

2. Rajesh Kumar Vaishnav S/o Satyanarayan Vaishnav Aged About 30 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Bohrabahal, Janpad Panchayat Sarangarh, District- Raigarh, Chhattisgarh

3. Ganesh Ram Patel S/o Hemanand Patel Aged About 30 Years Presently Working As Assistant Teacher (Panchayat) Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

4. Shiv Kumar Bhoi S/o Ram Ratan Bhoi Aged About 33 Years Presently Working As Assistant Teacher (Panchayat) Govt. Primary School, Haldharpali, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

5. Naresh Kumar Patel, S/o Suresh Chandra Patel Aged About 32 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Tamandih, Sarangarh, District Raigarh, R/o Village Kharri(Bade), P.S. & Tahsil Sarangarh, District Raigarh, Chhattisgarh

6. Rajendra Kumar Patel S/o Late Shri Dharnidhar Patel Aged About 28 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Kapisda B, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

7. Trilochan Prasad Sidar, S/o Pati Ram Sidar Aged About 35 Years Presently Working As Assistant Teacher (Panchayat) Govt. Primary School Saraipali, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

8. Mangal Das Gupta S/o Gunanidhi Gupta Aged About 44 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Domadihi Bada, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

9. Bhakt Watsal Panda, S/o Late Shri Pitwas Panda Aged About 40 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Parsada Chote, Janpad Panchayat, Tahsil Sarangarh, District Raigarh, Chhattisgarh

10. Mukesh Kumar Patel S/o Bala Ram Patel Aged About 29 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Singhanpur, District Raigarh, R/o Village Darrabhatha, P.O. Hardi & Tahsil Sarangarh, District Raigarh, Chhattisgarh

11. Ravishankar Patel S/o Shri Nand Lal Patel Aged About 35 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Kharri, Bade

Block & Tahsil Sarangarh, District Raigarh, R/o Village Chikhali, & Post Madhopali, Tahsil Sarangarh, District Raigarh, Chhattisgarh

12. Tilochan Patel S/o Shri Tejram Patel Aged About 30 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Madhuwan, Sarangarh, District Raigarh, R/o Village Raniguda, P.S. & Tahsil Sarangarh, District Raigarh, Chhattisgarh

13. Dilip Singh Yadaw, S/o Shri Premlal Yadaw Aged About 33 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Darrabhantha, Sarangarh, District Raigarh, R/o Village Ruchida, P.S. & Tahsil Pussor, District Raigarh, Chhattisgarh

14. Jaiprakash Bhumijan S/o Kamta Prasad Bhumijan Aged About 30 Years Presently Working As Assistant Teacher (Panchayat) Govt. Primary School Chikhli, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

15. Roop Lal Uranw, S/o Manbodhi Uranw Aged About 35 Years Presently Working As Assistant Teacher (Panchayat) Govt. Primary School Jognipali, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

16. Santram Bhaina S/o Tikam Singh Aged About 33 Years Presently Working As Assistant Teacher (Panchayat) Govt. Primary School Dadaidihi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

17. Rukman Prasad Patel S/o Suk Lal Patel Aged About 43 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Dhuta, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

18. Byas Narayan Yadav S/o Hira Lal Yadav Aged About 32 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Chharra, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

19. Duryodhan Uraon, Aged About 34 Years R/o Raja Ram Uraon, Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Tedinala, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh

20. Anirudhha Kumar Uraon S/o Babulal Uraon Aged About 41 Years Presently Working As Assistant Teacher (Panchayat) Govt. Primary School Daganiya, Janpad Panchayat Sarangarh, District- Raigarh, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through- The Secretary, Panchayat And Rural Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh

2. Chief Executive Officer, Zila Panchayat, Raigarh, District- Raigarh, Chhattisgarh

3. Chief Executive Officer, Janpad Panchayat, Sarangarh, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioners : Shri R.S. Patel, Advocate
For Respondent/State : Shri S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/10/2017

Heard.

1. Learned counsel for the petitioners 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 petitioners 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 petitioners 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 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 (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 petitioners joined their duty. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-
(**Manindra Mohan Shrivastava)**
Judge

Rekha