

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5360 of 2017**

1. Dinesh Kumar Kanwar S/o Jairam Kanwar Aged About 27 Years Presently Working As Assistant Teacher(Panchayat), Govt. Boys Primary School Ulkhar, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
2. Mahendra Singh Sidar S/o Ishwar Prasad Sidar Aged About 28 Years Presently Working As Assistant Teacher(Panchayat), Govt. Girls Primary School Ulkhar Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
3. Minu Prakash Sidar S/o Shankarlal Sidar Aged About 34 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Jampali, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
4. Vijay Lal Bhoi S/o Styadev Bhoi Aged About 28 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Badhanpur, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
5. Ramdin Sidar S/o Nakul Ram Sidar Aged About 30 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Banhar, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
6. Vinod Kumar Sidar S/o Kartik Ram Sidar Aged About 29 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Kotmara, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
7. Om Prakash S/o Sunderlal Patel Aged About 35 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Sahaspur, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
8. Hrishikesh Pradhan S/o Alekh Ram Pradhan Aged About 28 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Kaushir, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
9. Manoj Kumar Bariha S/o Dew Singh Bariha Aged About 38 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Machgodha, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
10. Ku. Ambika Bishal D/o Arjun Ram Bishal Aged About 24 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Dumardihi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
11. Jagannath Prasad Sidar S/o Pyare Lal Sidar Aged About 29 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Jampali, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
12. Lakheshwar Patel S/o Shri Uderam Patel Aged About 38 Years Presently

Working As Assistant Teacher(Panchayat), Govt. Primary School Gandhrachuban, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.

13. Parmanand Bhoi S/o Ramdhin Bhoi Aged About 23 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Sahaspani, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
14. Umashankar Patel S/o Shri Chakradhar Singh Patel Aged About 33 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Bharbhata, Sarangarh, District Raigarh, R/o Village Kharribade, Police Station And Tahsil Sarangarh, District Raigarh, Chhattisgarh.
15. Suraj Mishra S/o Late Shri Chandrakant Mishra Aged About 37 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Bhawanarpur, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
16. Balram Jaiswal S/o Shri Main Singh Jaiswal Aged About 26 Years R/o Village And Post Goda, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
17. Satish Kumar Chouhan S/o Suraj Lal Chouhan Aged About 35 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Bhojpur, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
18. Loknath Patel S/o Shri Ramprasad Patel Aged About 38 Years Presently Working As Assistant Teacher(Panchayat), Govt. Naveen Primary School Khursi, Block- Sarangarh, District Raigarh, Chhattisgarh.
19. Sewak Ram Bareth S/o Darash Ram Aged About 40 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Thakurdia, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh. (Note- Name Of The Petitioner Is Wrongly Mentioned As Sammelal Baretha In The Impugned Order Dated 18.04.16)
20. Sonau Ram Yadav S/o Shuk Lal Yadav Aged About 28 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Karwani Bde, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
21. Ram Sagar Choudhari S/o Gorakh Ram Choudhari Aged About 42 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Bundeli, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
22. Kushal Prasad Ratre S/o Setram Ratre Aged About 40 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Singhanpur, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh. (Note- Name Of The Petitioner Is Wrongly Mentioned As Kaushal Prasad Ratre In The Impugned Order Dated 18.04.16)
23. Samay Lal Sidar S/o Dharamanand Sidar Aged About 30 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Manjarmati, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.

24. Shailendra Kumar Bhumijan S/o Ramlal Bhumijan Aged About 26 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Kharri(Bada), Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
25. Deepak Tiwari S/o Late Shri Manbodh Tiwari Aged About 46 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Sundergarh, Block Sarangarh, District Raigarh, Chhattisgarh.
26. Ganeshwar Bhoy S/o Shri Lekru Prasad Bhoy Aged About 35 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Tetla, Pusor, R/o Linjir, Post Loharsingh, Tahsil Pusor, District Raigarh, Chhattisgarh.
27. Tanuja Dansena D/o Purushottam Lal Dansena Aged About 23 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Ranigurha, Janpad Panchayat Raigarh, District Raigarh, Chhattisgarh.

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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.

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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 Sukhdev 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