

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4696 of 2016

- Rajendra Kumar Shrivastava S/o Late Y. P. Shrivastava, Aged About 47 Years R/o Qtr. No. H/9, Block Colony, Shankargarh, Police Station And Post Shankargarh, Tahsil Shankargarh, District Balrampur- Ramanujganj, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
3. Collector, Balrampur- Ramanujganj, Head Office, Balrampur, District Balrampur- Ramanujganj, (Chhattisgarh)
4. Commissioner, Tribal Welfare, Indrawati Bhawan, New Raipur, District Raipur (CG)
5. Keshav Prasad Singh, Assistant Grade- II, Govt. High School, Rehda, Block Shankargarh, Police Station And Post Shankargarh, Tahsil Shankargarh, District Balrampur- Ramanujganj, (Chhattisgarh)
6. Janpad Panchayat, Shankargarh, Through: Its Chief Executive Officer, Janpad Panchayat, Shankargarh, District Balrampur- Ramanujganj, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Manoj Paranjpe, Advocate
For Respondent/State	Mr. S.P. Kale, Dy. AG and Mr. R. Tripathi, Panel Laywer
For Respondent No.5	Mr. V.K. Tekam, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/3/2017

1. The petitioner has challenged the impugned transfer order dated 20.07.2016 (Annexure P-1), whereby, he has been transferred from Janpad Panchayat, Shankargarh to Government High School, Rehda, Block Shankargarh, on administrative ground. On 21.9.2016, this Court directed that the petitioner shall be allowed to continue at the present place of posting and since thereafter, the petitioner is enjoying the interim relief.
2. At this juncture, learned counsel for respondent No.5 would submit that the respondent No.5 has already joined at Janpad Panchayat, Shankargarh on 26.7.2017 pursuant to the transfer order dated 20.07.2016 and is continuing on the post despite the interim order passed by this Court.
3. Mr. Paranjpe would submit that the petitioner has not informed him about non-compliance of the interim order.
4. Learned State counsel would submit that since the petitioner is enjoying interim relief for about last 6 months, the respondent may be permitted to pass fresh transfer order, if any administrative exigency arises. It is ordered accordingly.
5. It appears in compliance of the impugned order, the respondent No.5 has been allowed to join and at the same time, the petitioner is also allowed to continue on the strength of the interim order of this Court.
6. Considering the fact that the respondent No.5 has already complied the order, the direction by this Court to respondent/State not to compel the petitioner to comply with the order would not mean that the respondent No.5 shall be

relieved from the present place of posting and be sent back.

7. It is made clear that if administrative exigency arises, the State may pass fresh order in respect of the petitioner as also for the respondent No.5 as well.

8. In view of the aforesaid observation, the writ petition is disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

Gowri