

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 3631 of 2017

Nandkishor Nayak S/o Shri Hetram Nayak, Aged About 44 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School Bagbadi, Block Tamnar, District Raigarh, R/o Village Libra, Tahsil Tamnar, Police Station Tamnar, District Raigarh, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate
For Respondents	:	Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2017

1. The relief sought for by the Petitioner in the present writ petition is for grant of payment of salary for the period 18.4.2016 to 5.1.2017 during which period the Petitioner was allegedly transferred from Govt. Primary School, Bagbadi, Tamnar, District Raigarh to District Kabirdham.
2. The said order of transfer was subjected to challenge in the High Court vide Writ Petition (S) No. 2372 of 2016. The said writ petition was ultimately allowed by the High Court on 23.12.2016. Thereafter, as a consequence, the Petitioner was permitted to rejoin at her original place of posting on 5.1.2017. However, during the intervening period she was not granted salary and the present Writ Petition has been filed for grant of salary for the said intervening period.
3. Learned Counsel for the Petitioner submits that the issue involved in the present case stands squarely covered by the decision of this Court in the case of *Ku. Girija Patel v. State of Chhattisgarh & Others*, decided on

3.7.2017 in Writ Petition (S) No. 2791 of 2017 and therefore prayed for a similar relief on parity basis.

4. Learned Counsel for the Petitioner also submits that a similar order has also been passed in another case by a coordinate Bench of this Court in Writ Petition (S) No. 2947 of 2017 on 11.7.2017 granting the relief to the petitioner therein in similar terms as has been granted in *Ku. Girija Patel* (supra).
5. Learned Counsel for the State on verification of the aforesaid two orders in respect of similarly placed persons does not dispute of the issue involved in the present case also being identical.
6. In view of the undisputed facts involved in the case and the fact that the issue has already been considered and decided by this Court in Writ Petition (S) No. 2791 of 2017, this Court is inclined to allow the present writ petition also in similar terms as has been passed in Writ Petition (S) No. 2791 of 2017.
7. Accordingly, the present writ petition is allowed in terms of the order dated 3.7.2017 passed in Writ Petition (S) No. 2791 of 2017 and as a consequence, the Respondents are directed to grant consequential relief including wages for the intervening period, that is, from the date of issuance of the order of transfer till the Petitioner was permitted to resume his duties at his original place of posting. Let necessary steps be taken in this regard preferably within a period of 60 days from today. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE

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