

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4579 of 2017

1. Damrudhar Panda S/o Shri Babulal Panda Aged About 34 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Padigaon Janpad Panchayat, Block & Tahsil Pusour , District Raigarh Chhattisgarh.
2. Ku. Sanghamitra Kaser D/o Late Shri Padmukh Kaser, Aged About 30 Years Presently Posted As Assistant Teacher Panchyat At Govt. Primary School Audekera, R/o Village Audekera, Block Janpad Panchyat - Pusour, District Raigarh Chhattisgarh.
3. Vidyadhar Dehari S/o Shri Upendra Dehari Aged About 41 Years Presently Posted As Assistant Teacher Panchyat At Government Primary School Turanga, Pusore R/o Village Badhadola, Police Station & Tahsil- Pusour District Raigarh Chhattisgarh.
4. Shilan Kumar Sidar S/o Shri Raghunath Sidar, Aged About 39 Years Presently Posted As Assistant Teacher Panchyat At Government Primary School Timnini Raigarh R/o Mu. Chich, Post Pusour & Tahsil - Pusour District Raigarh Chhattisgarh.
5. Nohar Singh Sidar S/o Shri Ghasiyaram Sidar, Aged About 33 Years Presently Posted As Assistant Teacher Panchyat (Panchyat) At Government Primary School Thakurpali, Pusore R/o Village Tilgi, Police Station & Tahsil - Pusour District Raigarh Chhattisgarh.(Note - Petitioners Name Is Wrongly Mentioned In Impugned Order).
6. Paluram Banjara S/o Shri Antram Banjara, Aged About 37 Years Presently Posted As Assistant Teacher Panchyat At Government Primary School Semibhanwar, Pusore R/o Village Ravankhodara, Post- Putkapuri, Tahsil & District Raigarh Chhattisgarh.
7. Anuk Singh Rathiya S/o Shri Parmeshwar Rathiya Aged About 27 Years Presently Posted As Assistant Teacher Panchyat At Government Primary School Gadhumariya, Block- Pusore Tahsil- Pusour Dist. Raigarh Chhattisgarh. (Note- Petitioner S Name Is Wrongly Mentioned As Anup Singh Rathiya In The Impugned Order)
8. Kalpana Miri D/o Shri Babulal Mahilane Aged About 28 Years W/o Shri Nitun Kumar Miri R/o Kabir Chowk, Raigarh, Presently Posted As Sahayak Shiksha Panchayat Grade- Iii Government Primary School Garhumariya, Block & Tahsil- Pusour District Raigarh Chhattisgarh.
9. Smt. Tilkeshwari Chandra W/o Shri Pushpendra Chandra, Aged About 30 Years Presently Posted As Assistant Teacher Panchyat At Government Primary School Gadhumariya, Pusore Tahsil Pusour District Raigarh Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through - The Secretary, Panchayat And Rural Welfare Department ,mantralaya, Mahanadi Bhawan, New Raipur, District - Raipur Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner : Shri R. S. Patel , Advocate
For Respondent/State : Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/09/2017

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 Sukhdev 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 his duty. Let necessary steps be taken in this regard within a period of 60 days from today.

SD/-
(Manindra Mohan Shrivastava)
J U D G E