

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1511 of 2017**

- Sushil Kumar Patel S/o Late Shri Deen Bandhu Patel Aged About 41 Years
Occupation: Patwari, R/o Village- Lakhanpur (Amera), Police Station- Kasdol, Tahsil- Palari, District Baloda-Bazar, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mahanadi Mantralaya, Police Station & Post- Rakhi, New Raipur, District- Raipur, Chhattisgarh
2. Collector, Office Of Collectorate, Gariyaband, District- Gariyaband, Chhattisgarh
3. Tahsildar, Tahsil- Mainpur, Police Station- Mainpur, District- Gariyaband, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For Respondents-State	:	Shri Satish Gupta, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****29/03/2017**

1. Petitioner has preferred this writ petition on the grievance that though vide order dated 21.07.2016, he has been transferred from Tehsil, Mainpur, District Gariyaband to Tehsil Baloda-Bazar, District Baloda-Bazar, yet despite lapse of more than 8 months, the petitioner has not been relieved to enable him to join at the transferred place.
2. Learned counsel for the petitioner would submit that in similar writ petition bearing WPS No.4899/2016 {**Saseem Tiwari Vs. State of Chhattisgarh and others**}, this Court has passed an order on 20.09.2016 directing the

respondents to relieve the said petitioner pursuant to the transfer order which has not yet been canceled or modified.

3. The issue regarding implementation of transfer order has been considered by this Court in the case of **Ms. Manisha Agrawal Vs. State of Chhattisgarh and Others, 2015(4) C.G.L.J.182**, wherein relying upon several judgments of the Supreme Court, it has been held by this Court that once the employee has been transferred, it is required to be complied with unless it is modified, varied or cancelled.
4. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
5. Accordingly, this petition is disposed of with the direction that if the transfer order of the petitioner is not canceled, varied or kept in abeyance by the respondent-Transferring Authority, the petitioner would be required to be relieved towards implementation, execution of the transfer order.

Sd/-

Judge

Prashant Kumar Mishra

Ashu