

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6480 of 2017

1. Birbal Ram S/o Late Bandhu Ram, Aged About 40 Years Posted As Assistant Teacher (Panchayat) Primary School, Kerakachhhar, Block Sitapur, District Surguja, Chhattisgarh
2. Smt. Kanta Singh W/o Shri Umakant Singh, Aged About 40 Years Posted As Assistant Teacher (Panchayat) Primary School, Sontarai, Block Sitapur, District Surguja, Chhattisgarh
3. Smt. Neetu Bada W/o Krishna Ram, Aged About 28 Years Posted As Assistant Teacher (Panchayat) Girls Primary School, Devgarh, Block Sitapur, District Surguja, Chhattisgarh
4. Motiram S/o Chamar Sai, Aged About 37 Years Posted As Assistant Teacher (Panchayat) Primary School, Shivnathpur, Block Sitapur, District Surguja, Chhattisgarh
5. Ashok Kumar Tirkey S/o Late Badri Ram, Aged About 30 Years Posted As Assistant Teacher (Panchayat) Primary School, Sitapur, Block Sitapur, District Surguja, Chhattisgarh
6. Chandrakant Gupta S/o Bhuneshwar Prasad Gupta, Aged About 40 Years Posted As Assistant Teacher (Panchayat) Primary School, Gohdipara, Block Sitapur, District Surguja, Chhattisgarh
7. Avinash Lakra S/o Kamal Sai Lakra, Aged About 35 Years Posted As Assistant Teacher (Panchayat) Primary School, Pabrikhar, Block Sitapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Collector, Ambikapur, District Surguja, Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat Ambikapur, District Surguja, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Sitapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioners
For Respondent-State

Shri Harish Khuntiya, Advocate
Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/11/2017

1. Learned counsel for the petitioners would submit that the issue involved in the present case is squarely covered by the judgment rendered by this Court in the matter of **Ku. Girija Patel vs State of Chhattisgarh and others**, passed in WPS No. 2791 of 2017, decided on 03.07.2017, 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, decided on 23.12.2016.
2. Learned counsel for the petitioners would submit that **Ku. Girija Patel** (supra) was also one of the aggrieved employee like the petitioners, who 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** (supra) filed another writ petition bearing 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 direction to make payment of salary with effect from the date of transfer till the date of joining.

3. Learned State counsel would not dispute the legal position and would submit that the case of the petitioners is similar to that of **Ku.Girija Patel** (supra), in whose favour order has been passed by this Court on 03.07.2017. He, however, would submit that it would require factual verification as to the date 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** (supra) and direct the 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.
5. The writ petition stands allowed in terms of the order passed in **Ku. Girija Patel** (supra).

Sd/-

Judge

Prashant Kumar Mishra

Nirala