

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3773 of 2017**

1. Awadh Ram Nayak S/o Sewak Ram Nayak, Aged About 32 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Dabhra, Tahsil Baramkela, District Raigarh, Chhattisgarh
2. Damrudhar Bareth S/o Bundram Bareth, Aged About 38 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Munglipali, Tahsil Baramkela, District Raigarh, Chhattisgarh
3. Smt. Santoshi Banjare W/o Dharmendra Singh Banjare, Aged About 31 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Saleona, Tahsil Baramkela, District Raigarh, Chhattisgarh
4. Ganeshram Sidar S/o Moharsay Sidar, Aged About 35 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Pradhanpur, Tahsil Baramkela, District Raigarh, Chhattisgarh
5. Smt. Minakshi Sidar W/o Vijay Kumar Sidar, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Primary School, Jhabad, Tahsil Baramkela, District Raigarh, Chhattisgarh
6. Ku. Sapheena Begam D/o Shri Hameed Khan, Aged About 31 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Tilaidadar, Tahsil Baramkela, District Raigarh, Chhattisgarh
7. Santosh Sidar S/o Sukhlal Sidar, Aged About 32 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Chatipali, Tahsil Baramkela, District Raigarh, Chhattisgarh
8. Smt. Kaushalaya Patel W/o Purshottam Patel, Aged About 30 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Pathiyapali, Tahsil Baramkela, District Raigarh, Chhattisgarh
9. Dolamani Nayak S/o Ramkumar Nayak, Aged About 31 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Singarpur, Block Baramkela, District Raigarh, Chhattisgarh
10. Dinesh Kumar Nayak S/o Awadhram Nayak, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Dipapara, Devgaon, Tahsil Baramkela, District Raigarh, Chhattisgarh
11. Smt. Sunita Mahesh W/o Shri Devnath Mahesh, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Salheona, Tahsil Baramkela, District Raigarh, Chhattisgarh
12. Gangadhar Bariha S/o Shri Amaru Bariha, Aged About 37 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Bonda, Tahsil Baramkela, District Raigarh, Chhattisgarh
13. Smt. Binita Ekka D/o William Ekka, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Bonda, Tahsil Baramkela, District Raigarh, Chhattisgarh

14. Smt. Aruna Patel W/o Bharat Lal Patel, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Chhuhipali, Tahsil Baramkela, District Raigarh, Chhattisgarh
 15. Vinod Kumar Nayak S/o Arjun Kumar Nayak, Aged About 31 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Vikrampali, Tahsil Baramkela, District Raigarh, Chhattisgarh
 16. Krishna Kumar Uraon S/o Sadhram Uraon, Aged About 27 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Katangpali, Tahsil Baramkela, District Raigarh, Chhattisgarh
 17. Smt. Sushama Patel W/o Basant Patel, Aged About 31 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Karighati, Tahsil Baramkela, District Raigarh, Chhattisgarh
 18. Deepak Kumar Azad S/o Rajkumar, Aged About 26 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Bargaon, Tahsil Baramkela, District Raigarh, Chhattisgarh
 19. Anil Kumar Chouhan S/o Barat Ram Chouhan, Aged About 36 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Bikhampura, Tahsil Baramkela, District Raigarh, Chhattisgarh
 20. Anup Kumar Diwan S/o Gunsagar Diwan, Aged About 26 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Tengagudi, Tahsil Baramkela, District Raigarh, Chhattisgarh
- Petitioners**

Versus

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

For Petitioners	:	Shri CJK Rao, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/08/2017

Heard.

1. Learned counsel for the petitioners 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 petitioners submits that one Ku. Girija Patel was also one of the aggrieved employee like the petitioners 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 petitioners 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 petitioners 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 petitioners joined their duty. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-

(Manindra Mohan Shrivastava)
Judge