

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1623 of 2017

- Raghunandan Singh Porte S/o Shri Mukund Singh, Aged About 37 Years, Occupation Pharmacist Ayurved, Government Ayurved Hospital Molasnar, District Dantewada (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan New Raipur (Chhattisgarh)
2. Under Secretary, Health And Family Welfare Department Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. Collector, South Bastar Dantewada, District Dantewada (Chhattisgarh)
4. District Ayurved Officer, South Bastar Dantewada, District Dantewada (Chhattisgarh)

---- Respondent

For Petitioner	Mr. KP Sahu, Advocate
For Respondent /State	Mr. R. Tripathi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

6/4/2017

1. Heard.
2. The grievance of the petitioner is that despite there being an order of transfer passed by the State Government on 28.7.2016, the petitioner is not being relieved.

3. Learned counsel for the State submits that as the petitioner is posted in a scheduled area, as per the transfer policy dated 11.6.2016, unless his reliever joins, the petitioner cannot be relieved.
4. 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 employees has been transferred, it is required to be complied with unless it is modified, varied or cancelled.
5. 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.
6. Accordingly, the petition is disposed of with the direction that if the transfer order of the petitioner is not cancelled, 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)