

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2134 of 2017**

- Harendra Singh Tomar S/o Late Shri Lalta Prasad Singh, Aged About 60 Years, Working On The Post Of Inspector At Police Control, Balrampur, Dist. Balrampur Ramanujganj (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Affairs, Mahanadi Bhawan, New Raipur, Dist. Raipur (Chhattisgarh)
2. Director General Of Police, Police Headquarters, Civil Lines, Raipur, District Raipur, Chhattisgarh
3. Superintendent Of Police, Balrampur, Dist. Balrampur Ramanujganj (Chhattisgarh)

---- Respondent

For Petitioners
For Respondent /State

Mr. Rakesh Kumar Jha, Advocate
Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****4/5/2017**

1. Heard.
2. The grievance of the petitioner is that despite there being an order of transfer on promotion, passed by the State Government on 15.7.2016, the petitioner is not being relieved.
3. Learned counsel for the State submits that since 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)