

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5549 of 2017

- Kamlesh Singh Thakur S/o Shri Ramesh Singh Thakur Aged About 36 Years Working As Hotel Superintendent At Pre Metric ST Boys Hostel, R/o Campus Of Pre Metric Scheduled Tribe Boys Hostel Bijapur District Bijapur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh The Secretary, Tribal And Scheduled Caste Development Department Mahanadi Bhawan Secretariat, New Raipur District Raipur Chhattisgarh.
2. The Collector, Bijapur, District Bijapur Chhattisgarh.
3. Assistant Commissioner, Tribal Development District Bijapur Chhattisgarh.
4. Bhola Pradhan, Hostel Superintendent, Pre Metric, Scheduled Tribe Boys Hostel Bhawnwarpur, Block Basna, District Mahasanund Chhattisgarh.

---- Respondent

For Petitioner
For Respondents/State

Shri Sameer Behar, Advocate.
Shri Ramakant Mishra Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/10/2017

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 14.08.2017, he is not being relieved.
2. The issue regarding implementation of transfer order, has been considered by this Court in the case of **Ms. Manisha Agrawal Vs. State of Chhattigarh 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.

3. 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.
4. Accordingly, the writ petition is disposed of with the direction that if the transfer order of the petitioner is still operative, the respondents' authority shall relieve the petitioner towards implementation of the transfer order dated 14.08.2017.
5. It is also made clear that if any administrative exigency impede the petitioner's relieving, the petitioner shall be informed in writing. It will also remain open for the respondents to reconsider the issue of transfer on account of any administrative exigency.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh