

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 5550 of 2017**

- Hajari Lal Rathor S/o Late S.L. Rathor, Aged About 52 Years Presently Working As Assistant Internal Audit And Taxation Officer, Janpad Panchayat, Dantewada, District Dantewada.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Collector, Dantewada, District Dantewada Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Dantewada, District Dantewada Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat, Dantewada, District Dantewada Chhattisgarh.

**---- Respondent**

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| For Petitioner        | Shri Somkant Verma, Advocate.  |
| For Respondents/State | Shri Ramakant Mishra, Dy. A.G. |

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**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 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 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