

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5712 of 2017

- Kirti Kumar Singh Porte S/o Shri Dindayal Singh Porte Aged About 30 Years Occupation Service Rural Agricultural Development Officer Amaniya, Block Pandariya, District Kabirdham Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Agricultur And Technology, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Deputy Director, Agriculture, District Kabirdham Chhattisgarh
3. Sub Divisional Agriculture Officer, District Kabirdham Chhattisgarh

---- Respondent

And

WPS No. 5713 Of 2017

- Rai Singh Paikara S/o Shri Bagasrai Paikara, Aged About 30 Years Occupation Service Rural Agricultural Development Officer Dullapur, Block Pandariya, District Kabirdham, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Its Secretary, Department Of Agriculture And Technology, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Deputy Director, Agriculture, District Kabirdham, Chhattisgarh
3. Sub Divisional Agriculture Officer, District Kabirdham, Chhattisgarh

---- Respondent

For Petitioners
For Respondents/State

Shri R.K. Bhagat, Advocate.
Shri Rajendra Tripathi, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/11/2017

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

