

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6479 of 2017

- Hemlal Mandavi S/o Budhram Mandavi, Aged About 53 Years By Caste Gond, By Occupation Head Master, R/o 76 Gourapara Mohalla, Bagodar, District Kanker Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department (Samvarg -T) Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Collector, District Sukma Chhattisgarh
3. District Education Officer, District Sukma, Chhattisgarh
4. Block Education Officer, School Education Department, Konta, District Sukma Chhattisgarh
5. District Education Officer, District U. B. Kanker Chhattisgarh

---- Respondent

For Petitioner
For Respondent-State

Shri Parag Kotecha, Advocate
Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/11/2017

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 respondent authorities 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

Nirala