

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 745 of 2017

Kamlesh Kumar Dewangan S/o Late Shri Dilip Chand Dewangan, Aged About 31 Years R/o Darbari Toil Jashpur Police Station Jashpur, Police Station Jashpur District Jashpur Chhattisgarh Presently Working As Rural Agriculture Extension Officer, In The Office Of Senior Agriculture Development Officer Jashpur District Jashpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Agriculture, Agriculture And The Department Of Biotechnology, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. Director, Directorate Of Agriculture, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
3. Assistant Director, Agriculture Jashpur, District Jashpur Chhattisgarh
4. Senior Agriculture Development Officer, Jashpur, District Jashpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ghanshyam Patel, Advocate
For State	:	Shri R.K. Gupta, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/02/2017

Heard on admission.

1. The grievance of the petitioner is that even though the petitioner has been transferred vide order dated 29th July, 2016, the petitioner is not being relieved.
2. The order of transfer shows that there is no condition with regard to relieve, but on the contrary, order clearly shows that the petitioner shall be treated having been relieved after 15 days and in the event of non-compliance of the order, concerned controlling authority shall be subjected to disciplinary action.
3. 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.

4. In view of the aforesaid, unless the transfer order is cancelled, varied or kept in abeyance by the respondent-Transferring Authority, the same is required to be complied with.
5. In fact, the petitioner is to be treated as relieved to join at the new place of posting. The petitioner shall be relieved forthwith and allowed to join at the new place of posting in compliance of the transfer order.
6. The petition is accordingly finally disposed off with the observation and direction as above.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge