

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1149 of 2017

Patel Ram Rajwade S/o Shri Siv Ratan Ram Aged About 47 Years R/o
Presently Working As Accountant At The Office Of Block Education Officer
Lundra Block - Lundra, Tahsil And Police Station- Lundra, District -Surguja,
Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Tribal Welfare Department
Mantralaya Capital Complex Mahanadi Bhawan, Naya Raipur, District-
Raipur, Chhattisgarh
2. The Collector, Tribal Welfare, District- Surguja, Chhattisgarh
3. Assistant Commissioner, Tribal Welfare, Department Ambikapur, District-
Surguja, Chhattisgarh
4. Block Education Officer, Lundra, District- Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A.K. Yadav, Advocate
For State	:	Mr. Satish Gupta, G.A.

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

Order On Board

08/03/2017

Heard.

1. The petitioner has filed this petition aggrieved by relieving order dated 13.02.2017.
2. Learned counsel for the petitioner submits that way back on 14.07.2014, a transfer order of the petitioner was issued but that transfer order was not given effect to for more than 2 ½ years and now suddenly, after 2 ½ years that order is sought to be given effect to.
3. As the transfer order was not given effect to for more than 2 ½ years, therefore, there appears to be no administrative exigency to execute the said order. The impugned order of relieving shall not be given effect to. The petitioner shall be allowed to continue at the present place of posting.

4. Learned State counsel submits that in view of the fact that the transfer order was not executed for more than 2 ½ years, the respondent may be given liberty to pass fresh order in exigency of service. The said power is already with the respondent and it will be open for the respondent to pass fresh order of transfer in exigency of service as and when occasion arises for making transfer in the ensuing transfer season.
5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha