

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3750 of 2017**

1. Mohan Bariha S/o Ramkumar Bariha, Aged About 26 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Jampali, Tahsil Baramkela, District Raigarh, Chhattisgarh
2. Vidyanand Pandey S/o Shri Hariprasad Pandey, Aged About 47 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Mouhapali, Tahsil Baramkela, District Raigarh, Chhattisgarh
3. Thakur Ram Boy S/o Shri Abhimanyu Bhoy, Aged About 28 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Lendhra, Tahsil Baramkela, District Raigarh, Chhattisgarh
4. Smt. Mamta Panda W/o Manoj Kumar Panda, Aged About 36 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Chhewaripali, Tahsil Baramkela, District Raigarh, Chhattisgarh
5. Mohar Singh Sidar S/o Shri Sudarshan Sidar, Aged About 33 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Jamjori, Tahsil Baramkela, District Raigarh, Chhattisgarh
6. Fakir Kumar Patel S/o Shri Jairam Patel, Aged About 33 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Banjipali, Tahsil Baramkela, District Raigarh, Chhattisgarh
7. Bhoj Kumar Sidar S/o Shri Fagulal Sidar, Aged About 39 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Girhulpali, Tahsil Baramkela, District Raigarh, Chhattisgarh
8. Smt. Pankajni Sidar W/o Narayan Sidar, Aged About 35 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Gobarsiha, Block Baramkela, District Raigarh, Chhattisgarh
9. Smt. Sanjeeta Lakda W/o Ashok Lakda, Aged About 33 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Gobarsiha, Block Baramkela, District Raigarh, Chhattisgarh
10. Gorakhnath Patel S/o Shri Kalichand Patel, Aged About 37 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Khokhepur, Tahsil Baramkela, District Raigarh, Chhattisgarh
11. Sushil Kumar Patel S/o Late Yadumani Patel, Aged About 43 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Toresingha, Tahsil Baramkela, District Raigarh, Chhattisgarh
12. Khemraj Nishad S/o Shri Jairam Nishad, Aged About 27 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Lodhiya, Tahsil Baramkela, District Raigarh, Chhattisgarh

13. Dinesh Kumar Sahu S/o Shri Netram Sahu, Aged About 31 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Beltikari, Tahsil Baramkela, District Raigarh, Chhattisgarh
14. Smt. Vimla Patel W/o Shri Raju Patel, Aged About 34 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Marodarha, Tahsil Baramkela, District Raigarh, Chhattisgarh
15. Kranti Kumar Vishwal S/o Nandkishor Vishwal, Aged About 36 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Lipti, Tahsil Baramkela, District Raigarh, Chhattisgarh
16. Bhagirathi Malik S/o Tikelal Malik, Aged About 38 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Ghunchapali, Tahsil Baramkela, District Raigarh, Chhattisgarh
17. Smt. Uma Patel W/o Kartik Ram Patel, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Bundeli, Tahsil Baramkela, District Raigarh, Chhattisgarh
18. Smt. Gunwati Nayak W/o Ajay Kumar Naik, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Dhumabhata, Tahsil Baramkela, District Raigarh, Chhattisgarh
19. Ajay Kumar Naik S/o Ayabar, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Nawapali, Tahsil Baramkela, District Raigarh, Chhattisgarh
20. Uttar Kumar Patel S/o Bhutnath Patel, Aged About 29 Years Presently Working As Assistant Teacher Panchayat, Govt. Primary School, Jamchhapali, Tahsil Baramkela, District Raigarh, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Baramkela, District Raigarh, Chhattisgarh

---- Respondents

For Petitioners	:	Shri CJK Rao, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/08/2017

Heard.

1. Learned counsel for the petitioners submits that the issue involved in the present case is squarely covered by order dated 03.07.2017 passed in WPS No.2791 of 2017 in respect of similarly situated employee, whose transfer from the jurisdiction of one Zila Panchayat to other Zila Panchayat has been held to be without jurisdiction and illegal by this Court in WPS No.1273 of 2016 (Smt. Geeta Sukhdeve Vs. State of Chhattisgarh and others) and batch of petitions.
2. Learned counsel for the petitioners submits that one Ku. Girija Patel was also one of the aggrieved employee like the petitioners had assailed the order of transfer from one Zila Panchayat to other Zila Panchayat, which was set aside by this Court. Later on, Ku. Girija Patel filed another petition WPS No.2791 of 2017 claiming that she is entitled to salary for the period it was not paid to her for non-joining pursuant to the impugned order of transfer. That petition has been allowed vide order dated 03.07.2017 with the direction to make payment of salary with effect from the date of transfer till the date of joining.
3. Learned State counsel could not dispute the legal position and that the case of the petitioners is similar to that of Ku. Girija Patel in whose favour, order has been passed by this Court on 03.07.2017. He, however, submits that it would require factual verification as to the date on which the petitioners joined duty.
4. In view of the aforesaid submission, I am inclined to allow this petition on the same terms as in the case of Ku. Girija Patel (WPS No.2791 of 2017) decided vide order dated 03.07.2017 and direct respondents to grant consequential

relief including wages with effect from the date of transfer till the date, the petitioners joined their duty. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-

(Manindra Mohan Shrivastava)
Judge