

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4503 of 2017

1. Sanjay Kumar Pradhan S/o Shashibhushn Pradhan, Aged About 30 Years R/o Village Dodhidipa, Block Sitapur, District Surguja Chhattisgarh.
2. Nitesh Kumar Gupta S/o Late Pradeep Kumar Gupta, Aged About 25 Years R/o Village Betwa, Janpad Panchayat Sitapur, District Surguja Chhattisgarh.
3. Shabir Ahamad S/o Vasir Mohammad, Aged About 39 Years R/o Village Bhusu, Tahsil Sitapur, District Surguja Chhattisgarh.
4. Anil Kumar Sinha S/o B.R. Prasad, Aged About 41 Years R/o Manjhapara, Devgarh, Block Sitapur, District Surguja Chhattisgarh.
5. Satnarayan Singh S/o Shri Kavalsai, Aged About 40 Years Presently Posted As Assistant Teacher (Panchayat) (Arts) At Government Primary School Patelpara, Block Sitapur, R/o Village Parsa, Post Office Bhuru, Police Station & Tahsil Sitapur, District Sarguja Chhattisgarh.
6. Shivilal Ram S/o Shri Hira Ram, Aged About 38 Years Presently Posted As Assistant Teacher (Panchayat) (Art) At Government Primary School Kathbuda, Block Sitapur, R/o Village Dharampur, Police Station & Tahsil Sitapur, District Sarguja Chhattisgarh.
7. Vijay Lal S/o Shri Dhaniram, Aged About 34 Years Presently Posted As Assistant Teacher (Panchayat) (Art) At Government Primary School Bharatpur, Block Sitapur, R/o Village Lalitpur, Police Station & Tahsil Sitapur, District Sarguja Chhattisgarh.
8. Anil Kumar Gupta, S/o Shri Gulabchand, Aged About 41 Years Presently Posted As Assistant Teacher (Panchayat), (Arts) At Government Primary School, Baheratoli, Block Sitapur, R/o Village Bhusu, Police Station & Tahsil Sitapur, District Sarguja Chhattisgarh.
9. Jayant Prasad Gupta S/o Dwarika Prasad Gupta, Aged About 40 Years Shiksha Karmi Grade - Iii (Asst. Teacher - P) Posted At Primary School, Jonkadand, Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
10. Pramod Kumar Gupta, S/o Late Durga Prasad Gupata, Aged About 40 Years Shiksha Karmi Grade - Iii (Asst. Teacher - P) Posted At Primary School, Dhanupara, Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
11. Ganpati Chakrawarti S/o Shri Prem Sai Chakrawarti, Aged About 30 Years Presently Posted As Assistant Teacher (Panchayat), (Arts) At Government Primary School, Dhekidoli, Block Sitapur, District Suguja, R/o Village Balajhar,

Police Station & Tahsil Patthalgaon, District Jashpur Chhattisgarh.

12. Soukhilal Malakar S/o Shri Bhagwarhi, Aged About 45 Years Working As Shiksha Karmi Grade - Iii (Assistant Teacher Panchayat) Sitapur, District Surguja Chhattisgarh.
13. Smt. Sarita Gupta W/o Rakesh Ku. Gupta, Aged About 35 Years Shiksha Karmi Grade - Iii (Asst. Panchayat P) Post At Primary School, Saraipara, Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
14. Jagdish Paikara S/o Shri Jayshwar Ram, Aged About 40 Years Shiksha Karmi Grade - Iii (Asst. Teacher - P) Posted At Primary School, Korwapara, Petla, S. S. A. Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
15. Smt. Tabassum Hasan, W/o Shri Maglub Alam, Aged About 33 Years Shiksha Karmi Grade - Iii (Asst. Teacher - P) Posted At Primary School, Bhawradand, Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
16. Sachit Gupta S/o Shri Ram Bharosh Gupta, Aged About 33 Years Shiksha Karmi Grade - Iii (Asst. Teacher - P) Posted At Navin Primary School, Bijapara (Radhapur), Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
17. Manohar Lal Barik, S/o Shri Shankar Ram Barik, Aged About 41 Years Shiksha Karmi Grade - Iii (Asst. Teacher - P) Posted At Primary School, Murta, Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
18. Rajkumar S/o Shri Sudheram, Aged About 39 Years Presently Posted As Assistant Teacher (Panchayat) (Arts) At Government Primary School, Bhattipara, Block Sitapur, R/o Village Srga, Police Station & Tahsil Sitapur, District Surguja Chhattisgarh.
19. Anima Kujur D/o Shri Agustin Kujur, Aged About 34 Years Shiksha Karmi Grade - Iii (Asst. Teacher - P) Posted At Primary School, Bakhripa, Janpad Panchayat And Block Seetapur, District Surguja Chhattisgarh.
20. Smt. Champa Sidar W/o Shri Yuvraj Singh Sidar, Aged About 27 Years Working As Shiksha Karmi Grade - Iii, Assistant Teacher Panchayat Govt. Primary School Sraaipar, Sitapur, District Surguja Chhattisgarh.

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rureal Mahandi Bhavan, Mantralaya, New Raipur Chhattisgarh.
2. Chief Executive Officer, Jila Panchayat, Surguja, District Surguja Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Sitapur, District Surguja Chhattisgarh.

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For Petitioners	:	Shri V.K. Pandey, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

05/09/2017

Heard.

1. Learned counsel for the petitioner 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 Sukhdev Vs. State of Chhattisgarh and others) and batch of petitions.
2. Learned counsel for the petitioner 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 are 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

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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

Praveen