

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4844 of 2017

K.P.Shukla S/o Late Shri Mahadev Prasad Shukla, Aged About 56 Years Posted As Accountant In Tribal Department, Office Of Chief Executive Officer, Janpad Panchayat, Baikunthpur, District Koriya, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare And Development, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Assistant Commissioner, Tribal Development, Koriya, District Koriya, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat, Baikunthpur, District Koriya, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Rahul Mishra, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

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

Order On Board

15/09/2017

Heard.

1. Order dated 17.8.2017 passed by the Collector is under challenge on the ground that once the petitioner had executed the transfer order dated 19.1.2017 and joined at Baikunthpur, the order cannot be cancelled.
2. The issue whether an employee, after having executed transfer order, the transfer order could be cancelled has been decided by this Court in the case of **Vivek Hardeo Vs. State of Chhattisgarh**¹
3. Therefore, the impugned order cannot be sustained and is accordingly set aside. However, considering that there exists administrative exigency of transferring the petitioner, it would be open for the authority to pass fresh order of transfer.

1. WPS No.1015 of 2015 decided on 16.7.2015

4. With the aforesaid observation, the petition is allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen