

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5175 of 2017

Prabhakar Das S/o Late K. Das Aged About 56 Years Upper Division
Teacher, Govt. Middle School Patnampara, Block Sukma, District Sukma

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education
Department, Mahanadi Bhawan, Ministry New Raipur Chhattisgarh
2. District Education Officer, Sukma, District Sukma Chhattisgarh
3. Head Mater, Govt. Middle School Patnampara, Sukma Block Sukma, District
Sukma Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate.
For State	:	Mr. A.S. Kachhawaha, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/10/2017

Heard on admission.

1. The petitioner has filed this petition for issuance of direction to respondent-transferring authority to relieve him on the grievance that though the transfer order has been issued by the State Government, till date, he has not been relieved.
2. 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 judgment 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 by the State Government itself.
3. Therefore, in these circumstances, this petition is disposed off with the direction that petitioner shall be relieved forthwith by the controlling authority in compliance of order (Annexure P/1) unless the State has modified, varied or cancelled the impugned transfer order. As posting of an officer in scheduled area is

an administrative exigency and public interest and another employee has been posted, it shall be ensure that one who has been posted, joins failing which, appropriate disciplinary action will have to be taken unless the transfer is stayed or kept in abeyance either by the Government or by the Courts.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E

Rekha