

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5347 of 2017**

1. Devkumari Patel W/o Shri Tilochan Patel Aged About 28 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School, Chharra, Janpad Panchayat Sarangarh, R/o Village Ranigurha, Police Station And Tahsil Raigarh, District Raigarh, Chhattisgarh.
2. Smt. Sahodra Patel W/o Shri Umesh Patel Aged About 26 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Nandeli, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
3. Smt. Madhu Batham W/o Shri Rajkumar Gaur Aged About 44 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Achanakpali, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
4. Smt. Minakshi Patel W/o Shri Subhash Kumar Patel Aged About 39 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Chhichpani, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
5. Manisha Patel W/o Shri Chokhlal Patel Aged About 25 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Phokatpara Timarlaga, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
6. Ragini Sidar D/o Banshidhar Sidar Aged About 28 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Pakardihi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
7. Suman Bhagat D/o Sadaram Bhagat Aged About 25 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Rapagula, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
8. Pushpanjali Sidar W/o Premlal Sidar Aged About 27 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Gaigiudih, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
9. Manjulata Patel S/o Shri Jaiprakash Patel Aged About 26 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Kansa, Sarangarh, R/o Village Malda B. Police Station Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
10. Smt. Madhuri Patel W/o Bodhram Patel Aged About 43 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Ghoraghati, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.

11. Khageshwari Meher W/o Santosh Meher Aged About 33 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Bhedwan, District Raigarh, R/o Village Reda, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
12. Smt. Radha Patel W/o Shri Rajeev Nayan Patel Aged About 28 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Hardi Sarangarh R/o Village Mudiyadih, Police Station And Tahsil Sarangarh, District Raigarh, Chhattisgarh.
13. Ku. Uma Mehar D/o Chandrashekhar Mehar Aged About 21 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Ghasiapara, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
14. Ku. Sunita Patel D/o Rameshwar Singh Patel Aged About 24 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Indira Awas Bandhapali, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
15. Ku. Kiran Sidar D/o Jirim Lal Sidar Aged About 25 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Kansa, Malda B, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
16. Meena Patel W/o Rajesh Kumar Patel Aged About 26 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Mudiyadih, Sarangarh, R/o Village Malda B, Police Station Sarangarh, Tahsil Sarangarh, , District Raigarh, Chhattisgarh.
17. Gajanand Sidar S/o Bairi Singh Sidar Aged About 30 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Ghatora, Block, Sarangarh, District Raigarh, Chhattisgarh.
18. Ram Kumar Patel S/o Goverdhan Patel Aged About 42 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Aurachkka, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
19. Narayan Prasad Ratre S/o Setram Ratre Aged About 43 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Gadhabhata, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
20. Dinbandhu Patel S/o Madhulal Patel Aged About 46 Years Presently Working As Assistant Teacher(Panchayat), Govt. Primary School Ramtek, Janpad Panchayat Sarangarh, 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, Sarangarh, District Raigarh, Chhattisgarh.

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For Petitioners	:	Shri R.S. Patel, Advocate
For Respondent/State	:	Shri S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/10/2017

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 Sukhdev 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 petitioner 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