

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5319 of 2017**

1. Tarini Kumar Patel S/o Shri Hingulag Prasad Patel, Aged About 55 Years Presently Working As Assistant Teacher (Panchayat), At Govt Navin Primary School, Jhariyapara, Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
2. Omprakash Patel S/o Shri Chamar Singh Patel, Aged About 49 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Bhimsendihi, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh.
3. Narendra Lal Mehar S/o Late Ramjilal Mehar, Aged About 43 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Kanwalajhar, Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Petitioners**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.

---- Respondents

For Petitioners	:	Mr. R. S. Patel, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****10/10/2017**

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 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. Learned counsel for the petitioner further adds that the petitioner has actually worked for six months in District Dhamtari.
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 petitioners joined their duties. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-
(Manindra Mohan Shrivastava)
Judge