

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5438 of 2017**

1. Somnath Nande S/o Shri Vishidanand Nande, Aged About 28 Years Presently Working As Assistant Teacher (Panchayat), At Govt. Primary School, Tribhouna, Pusour, R/o Village Gudu, Post Pusor, Tahsil Pusor, District Raigarh Chhattisgarh.
2. Smt. Pushpanjali, W/o Shri Gopal Chandra Mehar, Aged About 23 Years Presently Working As Assistant Teacher (Panchayat), At Govt. Primary School, Tribhouna, Janpad Panchayat Pussore, District Raigarh Chhattisgarh.
3. Pramod Kumar Mahana, S/o Shri Pursottam Mahana, Aged About 45 Years Presently Working As Assistant Teacher (Panchayat), At Govt. Primary School, Telipali, Padigaon, Block And Tahsil Pusour, District Raigarh Chhattisgarh.
4. Hemsagar Sao, S/o Late Shri Munudau Sau, Aged About 30 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Sutupali, R/o Village Sodekela, Post Badehaldi, Tahsil And District Raigarh Chhattisgarh.
5. Moharlal Chouhan, S/o Ratthooram Chouhan, Aged About 28 Years Presently Working As Assistant Teacher (Panchayat), At Govt. Primary School, Chhapora, Janpad Panchayat Pussore, District Raigarh Chhattisgarh.
6. Smt. Vejayeta Nirmalkar W/o Shri Hemant Kumar Nirmalkar, Aged About 30 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Madhalbhantha, Block And Tahsil Pusour, District Raigarh Chhattisgarh.
7. Hemant Kumar Vishwakarma S/o Late Shri Rooram Vishwakarma, Aged About 33 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Raibar, Block Pusour, District Raigarh R/o Village Raibar, Tahsil Pusour, District Raigarh Chhattisgarh.
8. Rajendra Kumar Gupata, S/o Shri Bhagat Ram Gupta, Aged About 44 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Dipapara Nawapara, Block And Tahsil Pusour, District Raigarh Chhattisgarh.
9. Radha Swami Tigga, S/o Shri Kalaram Tigga, Gupta, Aged About 31 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Bhanthagaon (Bargarh), Block And Tahsil Kharsiya, District Raigarh Chhattisgarh.
10. Rajesh Kumar Sidar, S/o Shri Sohanlal Sidar, Aged About 31 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Kanmura, Block And Tahsil Kharsiya, District Raigarh Chhattisgarh.
11. Parmeshwar Singh Rathiya, S/o Shri Krishna Ram Rathiya, Aged About 30 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Chitta, Katharra, Block And Tahsil Kharsiya, District Raigarh Chhattisgarh.

12. Ramlal Sidar S/o Shri Mahettar Ram Sidar, Aged About 34 Years Working As Assistant Teacher (Panchayat), At Govt. Primary School, Dhimani, Block And Tahsil Kharsiya, 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 Pusour / Kharsiya / Raigarh, District Raigarh Chhattisgarh.

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For Petitioners	:	Shri R.S. Patel, Advocate
For Respondent/State	:	Shri Satish Gupta, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/10/2017

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 Sukhdeve 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