

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 465 of 2018

Shivendra Singh Son Of Late Rajendra Kumar Singh, Aged About 27 Years
Occupation Service, Posted As Hostel Superintendent In Pre Metric Boys
Hostel, Lawakera, Block Farsabahar, District Jashpur, Chhattisgarh.,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Tribal Welfare Department, Mahandai Bhawan, New Raipur, Chhattisgarh., Chhattisgarh
2. Collector, Jashpur, Office Of Collectorate Jashpur, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
3. Assistant Commissioner, Tribal Development, Jashpur, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
4. The Circle Organizer, Tribal Development Branch, Block Farsabahar, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondents

Shri Rakesh Pandey, counsel for the petitioner/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/01/2018

Heard on admission.

1. The grievance of the petitioner is that even though the petitioner has been transferred vide order dated 14/08/2017, he is not being relieved. It is stated that till date, the transfer order has not been stayed, varied or modified by the transferring authority.
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 judgments 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.

3. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.

4. Accordingly, this petition is disposed off with the direction that if the transfer order of the petitioner is not cancelled, varied or kept in abeyance by the respondent-Transferring Authority till date, the petitioner would be required to be relieved towards implementation, execution of the transfer order.

Sd/-
(Manindra Mohan Shrivastava)
Judge