

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 857 of 2018

Ram Diwan S/o S/o Shri Devsingh Diwan Aged About 42 Years R/o Village-Tendukona, Post- Pithora, Tahsil- Pithora, P. S. Pithora- District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mahanadi Mantralaya, Police Station And Post- Rakhi, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector, Office Of Collectorate, Mahasamund, District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh
3. Tahsildar, Tahsil- Office, Mahasamund, District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondents

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

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/01/2018

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