

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4927 of 2017

Smt. Chunam Chouhan W/o Shri Vishnu Prasad Chouhan, Aged About 28 Years Presently Posted As Assistant Teacher Panchayat At Government Primary School Jogitarai District Raigarh, R/o Jogitarai, Post Tarkela, Tahsil Pussore Raigarh, Police Station And Tahsil Pussore District Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat, Pussore, District Raigarh, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Mateen Siddiqui, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/11/2018

1. Present is Writ Petition filed by the petitioner claiming for a relief of wages and other benefits for the period he was transferred from one Zila Panchayat to another Zila Panchayat.
2. The dispute raised by the petitioner is that, the said order of transfer was questioned by the petitioner before this Court and this Court vide its judgment dated 23/12/2016 holding the order of transfer from one Zila Panchayat to another Zila Panchayat to be per-se illegal and without authority of law had set-aside/quashed the same.

3. Pursuant to the Writ Petition being allowed, the respondent/State had cancelled the order of transfer transferring Teachers (Panchayat Cadre) from one Zila Panchayat to another Zila Panchayat.
4. Subsequent to their joining at the original place of posting, the petitioner had moved a Writ Petition claiming wages for the intervening period which was not granted by the respondent on account of non joining at the transferred place which has led to the filing of the present Writ Petition.
5. The counsel appearing for the parties submits that, the issue raised in the present Writ Petition has already been adjudicated by this Court in the case of Ku. Girija Patel v. State of Chhattisgarh & Ors. [WPS No. 2791 of 2017 d/on 03/07/2017].
6. Based on the judgment passed in the case of Girija Patel (Supra) this Court had decided a couple of other Writ Petitions allowing the Petitions holding that the petitioners would be entitled for the salary for the intervening period during which they could not discharge duties on account of the illegal order of transfer.
7. The said order was subjected to challenge in a couple of Writ Appeals i.e. WA No. 533/2017 and other analogous Appeals which came up for hearing before the Division Bench of this Court on 04/10/2018 and the Division Bench of this Court after considering the contentions of either side dismissed the Writ Appeals and affirmed the order passed by the Single Bench thereby further affirming the view of this Court taken in the case of Girija Patel (Supra).

8. Since the issue raised in the present Writ Petition has already been considered by this Court as well as by the Division Bench and the matter stands fully covered by the said decision, this Court is of the view that nothing further remains to be adjudicated upon in the present Writ Petition.
9. Accordingly, the present Writ Petitions also deserve to be and are accordingly allowed in terms of the order passed by this Court in the case of Girija Patel (Supra) with consequential relief.
10. The Writ Petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved