

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 134 of 2019

Anand Singh Thakur S/o Shri Durga Singh Thakur Aged About 36 Years
Assistant Medical Officer At Primary Health Center, Bandana Block Mainpat
District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Under Secretary Health And Family Welfare Department Mantralaya Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh
2. The Chief Medical And Health Officer Ambikapur District Surguja Chhattisgarh.
3. Collector Ambikapur District Surguja Chhattisgarh

---Respondents

For Petitioner	:	Mr. A.S. Rajput, Advocate
For State	:	Mr. Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/01/2019

1. The **petitioner has** filed this petition on the grievance that though the transfer order has been issued on 06.10.2018, **he is** not being relieved.
2. The issue raised by the petitioner in the present writ petition is the non-relieving. According to the petitioner, he stands relieved vide order dated 06.10.2018 from the Primary Health Centre, Bandana, Block Mainpat, District Surguja to the Primary Health Centre, Salkha (Nawagaon), District Bilaspur.
3. 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.

4. 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.
5. Accordingly, the writ petition is disposed of with the direction that if the transfer order of the [petitioner](#) is still operative, the respondent authorities shall relieve the [petitioner](#) towards implementation of the transfer order [dated 06.10.2018](#).
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved