

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 137 of 2019

Homraj Markam S/o R.S. Markam Aged About 29 Years Present Working As Sub Engineer, Water Resources Division, Bijapur, District Bijapur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Executive Engineer Water Resources Division, Bijapur, District Bijapur Chhattisgarh.
3. Collector Bijapur, District Bijapur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Sushil Sahu, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

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 03.08.2017, 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 03.08.2017 from the Water Resources Division, Bijapur to Water Resources Division, Rudri.
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 03.08.2017.
6. It is also made clear that if any administrative exigency comes in the way of the petitioner's relieving then the petitioner shall be informed in writing.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved