

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1022 of 2018**

Smt. Sharaddha Sahu W/o W/o Shri Naveen Kumar Sahu, Aged About 30 Years Presently Posted As Assistant Teacher (Panchayat) At Goverment Primary School Potiyadih, Block Dhamtari R/o Pancwati Colony C-22 Ratnabandha, Po Loharsi, Tahsil And District Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. The Collector, Dhamtari District Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat Dhamtari, District Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Dhamtari, District Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Ms. Asths Shukla, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/04/2019**

1. The present writ petition has been filed claiming for the relief of wages and other benefits for the period the petitioner was out of service on account of illegal order of transfer dated 15/10/2015 transferring the petitioner from Janpad Panchayat, Dhamtari to Jila Panchayat, Raipur. The facts of the case is that on 15/10/2019 the petitioner was transferred from Janpad Panchayat, Dhamtari to Jila Panchayat,

Raipur. The said order of transfer was questioned by many of the similarly placed persons including the petitioner before this High Court.

2. The dispute raised by the petitioner is that, the said order of transfer was questioned by many of the petitioners 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. Subsequently the petitioner was granted joining at his original place of posting on 16/2/2017.
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 Petitions 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 Writ Petitions allowing the Writ Petitions

holding that the petitioners would be entitled for the salary for the intervening period during which they did 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 Writ Appeals which came up for hearing before the Division Bench of this Court on 04/10/2018 and 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 Petition also deserves to be and is 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