

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 602 of 2019

Smt. Badrika Sidar W/o Shri Vinod Kumar Sidar, Aged About 28 Years, Presently Posted As Assistant Teacher (L.B.), At Government Primary School Ruchida, District Raigarh, R/o Village Tilgee, Tahsil Pussore, District Raigarh, Chhattisgarh.

---Petitioner

**Versus**

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

---Respondents

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|----------------|---|---------------------------------|
| For petitioner | : | Shri Mateen Siddiqui, Advocate. |
| For State      | : | Shri Rahul Mishra, Dy.G.A.      |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/02/2019

1. The defaults pointed out by the registry as of now stands over-ruled.
2. The issue raised in the instant Writ Petition does not need detail consideration as the same has already been decided by this Court in a bunch of Writ Petitions.
3. The brief facts relevant for adjudication of the present Writ Petition is that, the petitioner while working as an Assistant Teacher (Panchayat) was

transferred from Zila Panchayat, Raigarh to Zila Panchayat, Kabirdham vide order dated 18/04/2016. The said order of transfer was questioned in a Writ Petition i.e. WPS No. 1613/2016. The said Writ Petition along with a bunch of Writ Petitions got disposed off on 23/12/2016 whereby it has been held by the Court that the order of transfer dated 18/04/2016 is illegal and passed by an authority having no power and jurisdiction. The said order has since attained finality. The only issue now left is as to how the intervening period has to be treated and whether the petitioner is entitled for the wages for the intervening period also.

4. It has been informed by the petitioner that, pursuant to the order of transfer, the petitioner having questioned the same before the High Court did not initially joined the transferred place and subsequently joined at later stage. For the period 01/05/2016 to 18/08/2016, the petitioner did not join the transferred place.

5. Subsequently, the petitioner joined at Janpad Panchayat, Pandariya – the place of transfer on 19/08/2016 and where she worked up-till 20/10/2016.

6. Lateron, as a consequence of the Writ Petition being allowed, the order of transfer of the petitioner stood cancelled and she was sent back to the original place of posting i.e. at Janpad Panchayat, Pussore, District Raigarh.

7. In the case of **Ku. Girija Patel v. State of Chhattisgarh & Ors.** [WPS No. 2791/2017 d/on 03/07/2017], this Court allowing the Writ Petition held that, since the order of transfer per-se was illegal and without jurisdiction it amount to the order of transfer being nonest in the eye of law

and the petitioner shall be for all practical purposes treated as remaining in employment at Janpad Panchayat, Pussore and for the intervening period or for absence, the petitioner would be entitled for the salary also.

8. In the instant case it has been informed by the petitioner that the petitioner initially did not join at the transferred place from 01/05/2016 to 18/08/2016. Thus, the petitioner would be entitled for the salary of the said period from the respondent No.5.

9. It has also informed that the petitioner subsequently having joined at Janpad Panchayat, Pandariya on 19/08/2016 has not been given salary from 19/08/2016 to 20/10/2016, though during the said period the petitioner has infact discharged her duties.

10. Given the said facts, the respondent No.6 is hereby directed to ensure that, subject to verification of the fact that the petitioner has worked under Janpad Panchayat between 19/08/2016 to 20/10/2016, her salary should be released forthwith without any further delay preferably within 6 weeks from today.

11. Likewise, so far as the period of absence between 01/05/2016 to 18/08/2016 is concerned, it shall be the responsibility of the respondent No.5 to ensure that the petitioner is granted the salary for the said period in the light of the decision passed by this Court in the case of Girija Patel (Supra).

12. The Writ Petition accordingly stands disposed off.

Sd/-

**(P. Sam Koshy)**  
**JUDGE**

Sumit