

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1149 of 2019

Rajkumar Banjare S/o Shri S. R. Banjare, Aged About 59 Years, Block Education Officer, Takhatpur Bilaspur, District Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, To The Govt. Of Chhattisgarh, Department Of School Education, Mantralaya, Indrawati Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
2. District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh.
3. R. K. Anchal S/o Shri R. S. Anchal, Aged About 56 Years, Through District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Anurag Dayal Shrivastava, Advocate.
For State	:	Shri Saleem Kazi, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/02/2019

1. The grievance of the petitioner in the instant Writ Petition is the non-granting of the charge of the District Education Officer at Takhatpur, District Bilaspur.
2. The facts of the case in brief is that, the petitioner was earlier posted as Block Education Officer at Baloda, District Janjgir-Champa. On 04/10/2018, the State Government has issued an order of transfer whereby the petitioner has been transferred from Baloda, Janjgir-Champa to Takhatpur, District Bilaspur.

3. The Block Education Officer posted at Takhatpur, District Bilaspur for the same order was transferred to a different place i.e. as the "Principal" in any of the District at Bilaspur under the District Education Officer, Bilaspur.
4. It is said that, the respondent No.3 in turn had challenged the order dated 04/10/2018 before the High Court and the High Court had simply disposed off the Writ Petition for making a suitable representation to the State Government who in turn shall decide the same. The High Court had not granted any sort of interim protection to the respondent No.3.
5. The petitioner meanwhile gave his joining at the office of the respondent No.2 on 26/12/2018 and had sought for grant of charge of District Education Officer, Takhatpur, Bilaspur. However, the respondent No.2 till date has not taken any step to provide the charge of District Education Officer, Takhatpur to the petitioner which has led to the filing of the Writ Petition.
6. The grievance of the petitioner is that, since he has given his joining in the office of the respondent No.2 on 26/12/2018, he has also not been paid salary for the period from 26/12/2018 onwards and therefore prayed for suitable direction be given to the respondents in this regard.
7. Given the said facts and circumstances of the case and also taking into consideration the nature of dispute, this Court does not intends to keep the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.2 to ensure that, the order dated 04/10/2018 transferring the petitioner as well as the respondent No.3 is implemented in its letter and spirit.

8. The respondent No.2 should also realize the fact that, this High Court while disposing off the petition of the respondent No.3 had not granted any interim protection with which he could have been retained at Takhatpur, Bilaspur.

9. The respondent No.2 shall also ensure that in case if the petitioner has given his joining to the respondent No.2 on 26/12/2018, then thereafter the petitioner would also be entitled for the entire salary and allowances for the subsequent period unless the order of transfer dated 04/10/2018 had been either modified, withdrawn or cancelled so far as the petitioner is concerned.

10. Let the respondent No.2 take a decision in this regard within a period of 45 days from the date of receipt of copy of this order.

11. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit