

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1441 of 2019**

Tipendra Narayan Yadav S/o Shri Vidyadhar Yadav Aged About 43 Years
Occupation Service, Posted As Secretary Gram Panchayat, Baturabahal,
Janpad Panchayat, Patthalgaon, District- Jashpur, Chhattisgarh., District :
Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Capital Complex, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
3. Chief Executive Officer Jila Panchayat, Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
4. Chief Executive Officer Janpad Panchayat, Patthalgaon, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/03/2019**

1. The challenge in the present writ petition is to the order Annexure (P-1) dated 19/02/2019. Vide the impugned order the place of posting of the petitioner has been modified instead of being transferred to Kilkila, District Jashpur, the petitioner's place of posting has been shifted to Gram Panchayat, Khamhali under Block Manora.
2. The contention of the petitioner is that the petitioner substantively is a Secretary of Gram Panchayat, BaturaBahar, Block-Patthalgaon,

District Jashpur. He was earlier working as a Secretary, Gram Pachayat, Kilkila, Block Patthalgaon Vide order dated 14/02/2019 Annexure (P-3), services of the petitioner stood transferred from Gram Panchayat, Kilkila to Gram Panchayat Batura Bahar under Block Patthalgaon. According to the petitioner the said order was acted upon and he was relieved from place Kilkila on 18/02/2019 and he has joined at Batura Bahar on the same day. However, on the very next day, respondent No. 3 is said to have passed another order modifying the earlier transfer order and changing the posting of the petitioner from Batura Bahar to Khamhali under Block Manora. The contention of the petitioner is that once when an order of transfer has been acted upon the same could not have been modified by the respondent No. 3. The only option left for the respondent was by issuance of fresh order of transfer and the impugned order therefore is bad in law.

3. Issue involved has already been decided by this High Court in the series of decisions. A similar issue involved in the case of Satish Menon Vs. State of Chhattisgarh, in WPS No. 2930/2014 which was decided on 30/09/2015, wherein it has been held that once when an order of transfer is acted upon, the respondent do not have any right to further modify the same and the only option left with the respondent was to pass a fresh order of transfer.

4. The said view has further fortified by the Division Bench of this Court in the case of **Tarun Kanungo Vs. State of Chhattisgarh, WA No.248 of 2015** and in the case **Brajendra Singh Vs. State of Chhattisgarh & Others, WPS No. 5012/2009** decided on **09/03/2010**.
5. In view of the same this Court is of the opinion that subject to verification of the fact whether the petitioner has joined his services on 18/02/2019, the impugned order Annexure (P-1) otherwise becomes bad in law. In view of the same Annexure (P-1) to that extent stands set aside/quashed.
6. Needless to mention that quashment of the order is subject to the verification of the fact whether the petitioner has joined at Baturabahar, Gram Panchayat or not.
7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit