

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1455 of 2019**

Yesu Prakash Toppo S/o Shri Mansukh Toppo Aged About 47 Years
Occupation- Service, Posted As Secretary Gram Panchyat, Chongaribahar,
Janpad Panchayat- Kasabel, District- Jashpur, Chhattisgarh., District :
Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, Capital Complex, Mantralaya, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Through Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
3. Chief Executive Officer Through Jila Panchayat, Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
4. Chief Executive Officer Through Janpad Panchyat, Kansabel, 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 Donkda, District Jashpur, the petitioner's place of posting has been shifted to Gram Panchayat, Chumpa under Block Bagicha.
2. The contention of the petitioner is that the petitioner substantively is a Secretary of Gram Panchayat, Donkda, Block-Kansabel, District

Jashpur. He was earlier working as a Secretary, Gram Pachayat, Congribahar, Block Kansabel. Vide order dated 14/02/2019 Annexure (P-3), services of the petitioner stood transferred from Gram Panchayat, Congribahar to Gram Panchayat Donkda under Block Kansabel. According to the petitioner the said order was acted upon and he was relieved from place Congribahar and he has joined at Donkda on the same day. However, immediately after some time the, respondent No. 3 is said to have passed an order modifying the earlier transfer order and changing the posting of the petitioner from Donkda to Chumpa under Block Bagicha. 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 in the present case has already been decided by this High Court in the series of decisions. A similar issue was decided by this Court 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 , 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 Donkda, Gram Panchayat or not.
7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge