

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1440 of 2019**

Ramesh Kumar Jayswal S/o Shri Kotwaru Ram Jayswal Aged About 45 Years Occupation Service, Posted As Secretary, Gram Panchayat, Mayurnacha, 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, Mantralaya, Atal Nagar, 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 Mayurnacha, District Jashpur, the petitioner's place of posting has been shifted to Gram Panchayat, Dobh under Block Bagicha.
2. The contention of the petitioner is that the petitioner substantively is a Secretary of Gram Panchayat, Mayurnacha, Block-Patthalgaon,

District Jashpur. He was earlier working as a Secretary, Gram Pachayat, Kukurbhukha, Block Patthalgaon. Vide order dated 14/02/2019 Annexure (P-3), services of the petitioner stood transferred from Gram Panchayat, Kukurbhukha to Gram Panchayat Mayurnacha under Block Patthalgaon. According to the petitioner the said order was acted upon and he was relieved from place kukurbhukha on 18/02/2019 and he has joined at Mayurnacha on the same day. However, on the very next day, respondent No. 3 is said to have passed an order modifying the earlier transfer order and changing the posting of the petitioner from Mayur Nacha to Dobh 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 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 Mayurnacha, Gram Panchayat or not.
7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge