

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1439 OF 2019**

Chunnu Lal Khobragade S/o Late Laxman Khobragade Aged About 52 Years Presently Working As Chowkidar At Office Of Assistant Director Fishery, Narayanpur, District- Narayanpur, Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Fishrey, Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh.
2. The Collector Narayanpur, District- Narayanpur, Chhattisgarh.
3. Assistant Director Fishery Narayanpur, District- Narayanpur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Somkant Verma, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.03.2019

1. The grievance of the petitioner is the inaction on the part of the respondents in not relieving inspite of fact that the petitioner stands transferred vide order dated 06.10.2018.
2. The facts of the case is that, vide order dated 06.10.2018 the petitioner who was working as Chowkidar in the office of Assistant Director (Fishery), Narayanpur, was transferred to the office of Assistant Director (Fishery), District Rajnandgaon on administrative ground. The petitioner submits that though there was an order in his favour on 06.10.2018, but till date he has not been relieved from Narayanpur and therefore the petitioner has filed this petition for an appropriate direction in this regard.
3. The issue regarding implementation of the order of transfer has been considered by this court in numerous cases leading case of which being Ms. Manisha Agrawal Vs. State of Chhattisgarh & Ors.2015(4)CGLJ 182. In the said judgment, this court relying upon various judgments of the Supreme Court has held that once when an employee has been transferred, the respondents are required to ensure compliance of the said

transfer order unless the order stands modified, varied or cancelled by the State Govt. or competent authority.

4. Given the aforesaid legal position and the fact that the petitioner now stands transferred for about more than six months, but has not been relieved, the petition stands disposed of with a direction to the respondent No.3 to ensure that the petitioner is relieved forthwith from his present place of posting in compliance to the order dated 06.10.2018 unless otherwise the order has been cancelled, withdrawn, modified or varied in any manner. Let the respondent No.3 take an appropriate decision within a period of 45 days from the date of receipt of copy of this order.
5. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge