

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2216 OF 2019**

1. Krishna Sidar S/o Shri C.S.Sidar Aged About 25 Years Presently Posted As Assistant Teacher (Panchayat) At Goverment Primary School, Kosampali, District Raigarh, R/o Village Gourbahari, Tahsil Tamnar District Raigarh Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Its Secretary Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur. Chhattisgarh.
2. Chief Executive Officer Zila Panchayat Raigarh District Raigarh Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Tamnar District Raigarh Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Sandeep Singh, Advocate.
For Respondents-State	:	Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28.03.2019**

1. The claim of the petitioner in this petition is for a direction to the respondents to consider grant of salary for the period between 09.05.2016 to 04.01.2017.
2. The facts which led to filing of this petition is that, the petitioner was working as an Assistant Teacher (Panchayat) at district Raigarh. An order was passed on 18.04.2016 transferring the petitioner from Raigarh to Kawardha. The transfer was from one Zila Panchayat to another Zila Panchayat. Bunch of identically placed persons who were transferred along with the petitioner had approached the High Court vide WPS No.1273 of 2016 and other analogous writ petitions. That, all these writ petitions were allowed vide order dated 23.12.2016. Though the petitioner had not challenged the order of transfer, but had also not complied with the order of transfer. Subsequent to the quashment of the order of transfer vide judgment of this court dated 23.12.2016, the petitioner made a

representation for permitting him to resume his duties at the earlier place of posting under Zila Panchayat Raigarh which was acceded to by the department and he was given joining on 04.01.2017. The petition now has been filed seeking for release of salary for the intervening period between 09.05.2016 to 04.01.2017.

3. The said issue of salary for the intervening period during which the petitioner stood transferred by an illegal order or by an order passed by an authority not having competency and jurisdiction came up for consideration before this court in case of Ku. Girija Patel Vs. State of Chhattisgarh & Ors. WPS No.2791 of 2017. This court allowed the said writ petition on 03.07.2017. Similar writ petitions were also allowed by this court which were later on challenged in a Writ Appeal before this court in WA No.533 of 2017 in case of Chief Executive Officer, Jila Panchayat, Surguja Vs. State of Chhattisgarh & Ors. The said Writ Appeal was dismissed on 04.10.2018 and as such the order passed by this court for grant of salary stood affirmed.
4. In view of the aforesaid facts, this court is of the opinion that the case of the petitioner also being similarly placed the writ petition of the petitioner also deserves to be and is accordingly allowed directing the department to ensure that salary for the intervening period between 09.05.2016 to 04.01.2017 treating the said period as spent on duty, the petitioner be paid the entire salary and allowances that he would have received had he not been issued with an illegal order of transfer dated 18.04.2016.
5. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge