

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5077 of 2019**

Vinod Kumar Rathore S/o Puran Singh Rathore Aged About 39 Years
Occupation Panchayat Secretary, Sukhrikala, District Korba Chhattisgarh.,
District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Panchayat Department Of Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Korba District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Chief Executive Officer District Panchayat Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Kartala, District Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Devesh Rathore Panchayat, Secretary, Gram Panchayat Rewapar, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shubham Tripathi, Advocate
For State	:	Mr. Arvind Dubey, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/07/2019**

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 02.07.2019 whereby the respondent No. 3 has passed an order transferring the petitioner from Sukhrikala under Janpad Panchayat, Kartala to Gram Panchayat, Kumhari Darri, under Janpad Panchayat, Pondi uproda.
2. The contention of the petitioner solely is that the petitioner had been recently transferred at Sukhrikala vide the order dated 27.06.2019

and on 30.06.2019 the petitioner already had executed the order of transfer dated 27.06.2019 and had joined at Sukhrikala under Janpad Panchayat, Kartala. Therefore, the executed order could not have been modified by the respondents. This Court in the case of Satish Menon Vs. State of Chhattisgarh, in WPS No. 2930/2014 vide its order dated 30.09.2015 had decided the similar issue whereby it has been categorically held that once when the transfer order is acted upon, the respondents do not have any further right to either modify or amend the same. It was categorically held that the option available to the respondents would be to pass a fresh order altogether.

3. The said view has been 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 of **Brajendra Singh Vs. State of Chhattisgarh & Others, WPS No. 5012/2009 decided on 09.03.2010.**
4. Given the aforesaid facts and circumstances of the case since the petitioner has already complied with the order and has reported for duty on 30.06.2019 at Sukhrikala, this Court is of the opinion that the impugned order therefore becomes bad in law as the amendment to the said executed order is not permissible. The impugned order so far as the transfer of the petitioner is concerned, therefore is held to be bad in law. In view of the same, the impugned order stands set aside/quashed.
5. Reserving the right of the respondents to take appropriate steps in accordance with law, the writ petition stands allowed.

Sd/-
(P. Sam Koshy)
Judge