

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5280 of 2019

1. Miss Kunti Sahu, D/o B. R. Sahu, Aged About 36 Years, Working As- A.N.M. In Sub Health Centre Sona Kukanar District- Sukma, Chhattisgarh, R/o Ward No.1 Satalipara, Sukma, District- Sukma, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare Mantralaya, P.S. Rakhi Tahsil Arang Naya Raipur, District- Raipur, Chhattisgarh
2. The Collector, Collector Office P.S. Sukma District- Sukma, Chhattisgarh
3. The Chief Medical And Health Officer, Sukma, District- Sukma, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Pravin K. Tulsyan, Advocate.
For State	:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.07.2019

1. The petitioner has filed the present Writ Petition seeking for a relief or an appropriate direction to the Respondent No. 2 and 3 to ensure that the order dated 13.08.2017 transferring the petitioner from Sukma, Jagdalpur is implemented at the earliest.
2. The issue regarding implementation of transfer order has been considered by this Court in the case of ***Ms. Manisha Agrawal Vs. State of Chhattisgarh and Others, (2015) 4 C.G.L.J. 182***, wherein

relying upon several judgments of the Supreme Court, it has been held by this Court that once the employee has been transferred, it is required to be complied with unless it is modified, varied and cancelled.

3. Therefore, in these circumstances, with the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
4. Accordingly, the Writ Petition is disposed off with a direction that, if the transfer order of the petitioner is still operative, the Respondent No. 02 and 03 shall relieve the petitioner towards implementation of the transfer order dated 13.08.2017 within a period of 60 days from today.
5. It is also made clear that, if any, administrative exigency impede/prevent the petitioner' relieving, the petitioner shall be informed in writing. It will also remain open for the respondents to reconsider the issue of transfer on account of any administrative exigency. It shall be the responsibility of the petitioner to apprise the Respondent No. 02 and 03, so far as the Order passed by this Court is concerned.
6. The present Writ Petition, accordingly stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**