

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7544 of 2019

Ashish Diwan S/o Shri Gulabdhhar Diwan Aged About 33 Years Working As Food Inspector At Office Of The Collector (Food Section) Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Secretariat, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector Janjgir, District Janjgir Champa Chhattisgarh., District : Jashpur, Chhattisgarh
3. Food Officer Office Of The Collector (Food Section), District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sameer Behar, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2019

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 23.08.2019, he is not being relieved.
2. The issue raised by the petitioner in the present writ petition is the non-relieving. According to the petitioner, he stands relieved vide order dated 23.08.2019 from the District Janjgir-Champa to District Bilaspur as a Food Inspector.
3. 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 or cancelled.

4. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
5. Accordingly, the writ petition is disposed of with the direction that if the transfer order of the petitioner is still operative, the respondent authorities shall relieve the petitioner towards implementation of the transfer order dated 23.08.2019
6. It is also made clear that if any administrative exigency impede the petitioner's 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.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved