

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8178 of 2019

Roshan Kumar Sethiya, S/o. Ramnath Sethiya, Aged About 31 Years, Working As Rural Health Coordinator (Male) (M.P.W.) Sub Health Centre Kankapal Block Chhindgarh, District Sukma, Chhattisgarh, R/o. Village Pushpal, Police Station Parpa, District Bastar, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Mr. P. K. Tulsyan, Advocate
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For Respondents	:	Mr. Soumya Rai, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.10.2019

Heard.

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 23.08.2019, the petitioner is not being relieved.
2. The issue regarding implementation of transfer order has been considered by this Court in the case of ***Ms. Manisha Agrawal v. 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.
3. 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.

4. 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 aforesaid transfer order within a period of 30 days from today.
5. 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.

Sd/-
Goutam Bhaduri
Judge

Ashok