

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8191 of 2019

Kanhaiya Lal Watti S/o Shri Bhikhiya Ram Watti Aged About 50
Years Working As Teacher, L.B. Middle School Tetrai, Block - Konta,
Tahsil - Konta, Civil And Revenue District - Sukama Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Education, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. State Of Chhattisgarh Through The Under Secretary, Department Of School Education, Mahanadi Bhawan, New Raipur Chhattisgarh.
3. The District Education Officer, Sukama, Civil And Revenue District - Sukama Chhattisgarh.
4. The Block Education Officer, Konta, Block - Konta, Civil And Revenue District - Sukama Chhattisgarh.
5. The Principal , L.B. Balak Ashram, Nagaram, Block - Konta, Tahsil - Konta, Civil And Revenue District - Sukama Chhattisgarh.

--- Respondents

For petitioner- Shri Paras Mani Shrivastava, Advocate.
For State-Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/10/2019

Heard.

1. Case of the petitioner is that the petitioner was transferred from Middle School, Tetrai, Block Konta, District Sukma to Govt. Middle School, Markatola, District Kanker by an order dated 21/08/2019, however till date the petitioner has not been able to join the place of posting.
2. Transfer order Annexure P-1 dated 21/08/2019 is not in dispute that the petitioner has been transferred from Sukma to Kanker. In case of Ms. Manisha Agrawal Vs. State of C.G. & ors. reported in 2015(4) C.G.L.J. 182 it has been held that unless and until transfer order is modified or cancelled, transfer order cannot be kept in abeyance. In the matter of Sreedam Chandra Ghosh Vs. State of Assam & ors. reported in (1996) 10 SCC 567 the court at para 6 has held as under:-

“6. It is then contended that the transfer orders are to be enforced by the Government as per the rules in vogue and the High Court cannot interfere with these orders. We are unable to appreciate this contention also. When the Government views non-compliance of the transfer order as a serious indiscipline on the part of the erring officer and when the person complains of the non-compliance to the court, the court necessarily has to give effect to the order and give directions for enforcement thereof. Under these circumstances, we do not find any merit in the petition.”

3. Considering the same and the law laid down by this court, grievance of the petitioner that he has not been relieved till date, it is directed that the respondent shall allow the petitioner to join his transferred place of posting as per transfer order dated 21/08/2019 subject to just exception, if any.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE