

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8288 of 2019**

- Harnarayan Sahu S/o Lakheshwar Prasad Sahu Aged About 40 Years Working As Assistant Teacher L. B. (E.) And Posted At Government Primary School Parsada Bade, Block Sarangarh, District Raigarh, Chhattisgarh, Permanent R/o Village Kaitha, Post Parasadih, Block Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
2. Collector Raigarh, District Raigarh, Chhattisgarh.
3. District Education Officer Raigarh, District Raigarh, Chhattisgarh.
4. Block Education Officer Block Sarangarh, Distict Raigarh, Chhattisgarh.
5. Head Master Government Primary School Parsada Bade, Block Sarangarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner : Shri U.P.S. Sahu, Advocate

For Respondents/State : Ms. Astha Shukla, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/10/2019**

1. Case of the petitioner is that the petitioner was transferred from Government Primary School Parsada Bade, Block Sarangarh District Raigarh (C.G.) to Government Primary School Uparpara Mirchid, Block Bhilaigarh, District Baloda Bazar- Bhatapara by an order dated 22/08/2019, however till date the petitioner has not been able to join the place of posting.

2. Transfer order Annexure P-1 dated 22/08/2019 is not in dispute that the petitioner has been transferred from District Raigarh to District Baloda Bazar-Bhatapara. 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.

With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge