

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8565 of 2019

Bhagwan Singh Markam, S/o. Late Arjun Singh Markam, Aged About 43 Years, Posted As Shikshak L.B., At Government Middle School Bokrabeda, Sankul, Bokrabeda, Block Farasgaon, District Kondagaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Additional Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. Collector Kondagaon, District Kondagaon Chhattisgarh.
4. District Education Officer Kondagaon, District Kondagaon Chhattisgarh.
5. Chief Executive Officer Zila Panchayat Kondagaon, District Kondagaon Chhattisgarh.
6. Block Education Officer Farasgaon, District Kondagaon Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. F.S.Khare, Advocate
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For Respondents	:	Ms. Beenu Sharma, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.10.2019

Heard.

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 21.08.2019, 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