

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8732 of 2019

Dashrath Lal Nag S/o Late Birjhumam Aged About 56 Years Occupation
Service, Posted As Upper Division Teacher At Middle School Jagargunda,
Block Konta, District Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh

--- Petitioner

Versus

1. State of Chhattisgarh through The Principal Secretary School Education
Department Mahanadi Bhawan, New Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh
 2. The Collector Sukma, District Sukma, Chhattisgarh.
 3. The District Education Officer Sukma, District Sukma, Chhattisgarh.
- Respondents**

For the Petitioner : Mr. Rakesh Pandey with Mr. Varun Mishra, Adv.

For the Respondents : Mr. Kunal Das, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-10-2019

1. The grievance of the petitioner is that though the transfer order has been issued on 21.08.2019 by respondent no.1 (Annexure P-1) whereby the petitioner has been transferred from Middle School Jagargunda Vikas Khand Konta, Distt. Sukma to Middle School Belgaon, Vikas Khand Keshkal, Distt. Kondagaon, but he is not being relieved.
2. The issue regarding implementation of transfer order has been considered by this Court in case of *Ms. Manisha Agrawal v. state of Chhattisgarh and others, 2015 (4) CGLJ 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**