

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9718 of 2019**

- Jubairul Hassan S/o Late Shri Ajaharul Hassan Aged About 59 Years Posted As Assistant Engineer, Water Resources Department , Office Of Sub-Divisional Officer, Water Resources Sub-Division, Bhanpuri, District Bastar Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department Department Mahanadi Bhawan , New Raipur, P.S. Rakhi , District Raipur Chhattisgarh
2. The Executive Engineer Water Resources Division , Jagdalpur, District Bastar Chhattisgarh
3. The Sub-Divisional Officer Water Resources Sub-Division, Bhanpuri, District Bastar Chhattisgarh
4. The Superintending Engineer Mahanadi Water Project Bridge, Division Rudri , District Dhamtari Chhattisgarh
5. The Collector Jagdalpur, District Bastar Chhattisgarh

---- Respondents

For Petitioner : Shri Rahul Mishra, Advocate

For Respondents/State : Shri Kunal Das, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/11/2019**

1. The grievance of the petitioner is that even though the petitioner has been transferred vide order dated 09.08.2019 , he is not being relieved.
2. According to learned counsel for the petitioner and the averments made in the petition, till date, the order passed by the State Govt. has not been stayed, varied or modified by the State Govt. Therefore, in these circumstances, execution of the unconditional transfer order cannot be kept in abeyance by the

authority subordinate to the State Govt.

3. Learned counsel for the State submits that unless the State Govt itself stay, vary or modify the transfer order, the authority subordinate to the State are liable for compliance of the order.
4. The issue regarding implementation of transfer order, has been considered by this Court in the case of ***Ms. Manisha Agrawal Vs. 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.
5. Therefore, it is directed that respondents No.2 & 3 shall forthwith relieve the petitioner towards compliance of the order of transfer so that the petitioner can submit his joining at the transferred place as per the transfer order.
6. The petition is accordingly finally disposed off with the observation and direction as above.

Sd/-

Goutam Bhaduri
Judge

Ashu