

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3016 of 2016

Smt. Dhaneshwari Rahi W/o Brindresh Kumar Rahi, Aged About 32
Years R/o Qtr No B-5, Type 4, Guru Ghasidas University Campus,
Koni, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Bilaspur, District Bilaspur Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Janjgir, District Janjgir Champa Chhattisgarh
4. Principal, Government Higher Secondary School Lakhram Block Bilha, District Bilaspur Chhattisgarh

----Respondents

For petitioner – Ms. Ruchi Nagar, Advocate.
For State- Ms. Akansha Jain, Dy.G.A.
For respondent No.2- Shri Vivek Sharma, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

02/07/2020

Heard.

1. The petitioner was transferred by an order dated 23/05/2016 (Annexure P-4) from Government Higher Secondary School, Datoad, Block Jaijaipur, District Janjgir-Champa to Bilaspur. Pursuant to such transfer she joined on 30/06/2016 (Annexure P-6). Thereafter on the basis of order passed by the Chief Secretary on 30/06/2016 (Annexure P-2) said transfer was cancelled by Annexure P-1 dated 5/07/2016.
2. It is contended that the petitioner since has joined and executed the transfer order, the same could not be cancelled. Reliance is also placed in a judgment of this court passed in W.A. No.232/2017 in between Smt. Vijaya Ogar Vs. State of Chhattisgarh & ors.

3. Heard learned counsel for the parties.

4. After perusal of the record it shows that the petitioner had joined the place of transfer after order was issued and transfer having been executed, same could not have been cancelled by the impugned order Annexure P-1 dated 5/07/2016. Transfer once has been executed, same cannot be cancelled. Further taking into fact that considerable time has passed since 2016 and by the interim order said Annexure P-1 dated 5/07/2016 was already stayed, in the facts of this case, Annexure P-1 dated 5/07/2016 is quashed. The State shall be at liberty in future to pass appropriate order in case situation so warrants.

5. Accordingly, the petition stands allowed to the above extent.

Sd/-

(Goutam Bhaduri)

JUDGE