

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3390 of 2020

- Rajesh Yadu S/o Shri Revaram Yadu Aged About 34 Years R/o Village And Post- Rohra, Tahsil- Simga, Police Station-Bhatapara, Distt. Balodabazar-Bhatapara, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Police Station And Post- Rakhi, Atal Nagar, New Raipur, District- Raipur, (C.G.),
2. Chief Medical And Health Officer (Cmho) Office Of Cmho, Kanker, Distt.- Kanker, (C.G.)
3. Chief Medical And Health Officer (Cmho) Office Of Cmho, Balodabazar, District- Balodabazar-Bhatapara, (C.G.)
4. Block Medical Officer (Bmo) Community Health Centre, Kanker, Distt.- Kanker, (C.G.)

---- Respondents

For Petitioner	:	Ms. Deepika Sannat, Advocate.
For State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26.08.2020

1. Heard
2. Learned counsel for the petitioner submits that the petitioner was transferred initially on 23.08.2019 from Community Health Centre Balodabazar to Primary Health Centre Kanker with a remark that he has been transferred on his own expenses but actually no such request was made. Thereafter, the petitioner joined at the place of transfer i.e. Kanker and subsequently, the said transfer order of initial transfer was amended on 13.03.2020 wherein the petitioner was again been transferred back to his previous place of posting i.e. the Community

Health Centre Balodabazar but he has not been relieved till date from his present place of posting i.e. Kanker.

3. 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 by the State Government itself.

4. 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.

5. 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 transfer order dated 13.03.2020.

sd/-

(Goutam Bhaduri)

JUDGE

Vishakha