

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 703 of 2018

Farukh Ahmad S/o S/o Mohd. Abdul Rahim Khan Aged About 53 Years R/o
Beside Rafique Dhenge Gali, Near Ajam Kirana Store, Naya Para, Raipur,
Tahsil And District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary School Education
Department, Ministry, Mahanadi Bhawan, Naya Raipur, District Raipur,
Chhattisgarh
2. Upper Secretary School Education, Department Government Of C. G.
Mahanadi Bhawan, Raipur, District Raipur, Chhattisgarh
3. The District Education Officer, Gariyaband, District Gariyaband
Chhattisgarh
4. The District Education Officer, Narayanpur, District Narayanpur,
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abdul Wahab Khan, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy
Order on Board

14.06.2021

1. Aggrieved of the order dated 14.08.2017 transferring the petitioner from
Gariyaband to Narayanpur, the present writ petition was filed.
2. Though, the writ petition was filed in January, 2018 and there was an
interim order obtained on 12.02.2018. However, perusal of the records as
also the pleadings attached to the writ petitions, it appears that before
interim order would be passed the petitioner already stood relieved on
28.08.2017 and by virtue of relieving order the petitioner had given his
joining at Narayanpur on 20.11.2017.
3. Learned counsel for the petitioner submits that when the petitioner went to
join at the transferred school, he was informed that post is not lying
vacant, therefore he went and reported for duty at the office of District

Education Officer and since then he is working in the office of District Education Officer, Narayanpur and is still attached to the office of the District Education Officer.

4. On a query being put to the petitioner's counsel, he fairly concedes that petitioner has been receiving his salary against the post of PTI, Girls Higher Secondary School, Narayanpur, though he is discharging his duties in the office of District Education Officer, Narayanpur.
5. Given the fact that petitioner had already joined at Narayanpur w.e.f. 20.11.2017 and the fact that now for a period of more than 3 ½ years the petitioner has been working at Narayanpur under respondent no.4, by efflux of time the efficacy of the order of transfer dated 14.08.2017 has been lost. If at all, if petitioner has any grievance in respect of not being given joining at the Girls Higher Secondary School where he has been transferred, this Court intends to dispose of the writ petition directing the respondent no.4 to take appropriate decision considering the grievance of the petitioner at the earliest preferably within a period of 60 days.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit