

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1889 of 2021

Jagmohan Singh Paikra S/o Late Shri Mohar Singh Paikra Aged About 49 Years R/o Maharani Laxmi Bai Govt. Girls Middle School, Bamnidih, Tahsil Champa District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
3. Collector Janjgir Champa District Janjgir Champa Chhattisgarh
4. District Education Officer Janjgir Champa District Janjgir Champa Chhattisgarh
5. Block Education Officer Champa District Janjgir Champa Chhattisgarh
6. Principal Maharani Laxmi Bai Govt. Girls Middle School, Champa District Janjgir Champa Chhattisgarh
7. Ajay Saloman Aasna Govt. Middle School, Hiranagar, Sirgitti, Bilha, District Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sangharsh Pandey, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/03/2021

1. The present is a second round of litigation. The first round of litigation was WPS No. 8635/2019, which was disposed of on 18.10.2019 with an interim protection in favour of the petitioner not to be relieved till the representation of the petitioner is decided.
2. The representation of the petitioner meanwhile now stands decided vide Annexure P/1 dated 14.01.2021. Immediately, thereafter the petitioner is

also said to have been relieved on 03.02.2021 (Annexure P/7). The counsel for the petitioner at this juncture submits that the person who the petitioner was to relieve or replaced at Sirgitti, Bilha, meanwhile had filed a writ petition before this High Court vide WPS No. 1079/2021 on the ground that there was only about 7 months of service left for the said person to retire and therefore at this juncture, it would be detrimental to transfer the said person, more particularly in the light of the transfer policy of the State Government, where there is a specific provision not to transfer a person with less than one year of service.

3. This Court vide order dated 16.02.2021 disposed of the said writ petition of Mr. Ajay Salomon Aasna with an interim protection of approaching the State by way of a representation, who in turn have been directed to consider the short duration of time left for the said petitioner to retire and till the decision is taken, the said person was by way of an interim protection protected from being relieved from the present place of posting and by virtue of which the said person Mr. Ajay Salomon Aasna continues to discharge his duties at Sirgitti Bilha.
4. The difficulty that the petitioner shall now face would be that of the post already been occupied by the said person and in the process, salary of the petitioner also would not be released. Another fact, which needs consideration is that since the said person is continuing to discharge his duties at Sirgitti Bilha, the post where he was supposed to go i.e. the place where the petitioner was working also would remain vacant.
5. Considering the aforesaid factual matrix of the case, this Court is of the opinion that it would be in the larger interest of justice if the order of transfer dated 01.10.2019 and also the order of relieving of the

petitioner now vide order dated 03.02.2021 is kept in abeyance till a decision in the case of Mr. Ajay Silomon Aasna is taken by the respondents by virtue of the order dated 16.02.2021 passed by this Court in WPS No. 1079/2021 or till the said person namely Mr. Ajay Silomon Aasna retires from service on attaining the age of superannuation for which only a few months are left, whichever is earlier. That thereafter appropriate administrative orders shall be issued in accordance with law. Meanwhile, since this Court has ordered for keeping the order of transfer and the relieving order so far as the petitioner is concerned in abeyance he would be permitted to continue to discharge his duties at Mahalaxmibai Government Girls Middle School, Champa.

6. With the aforesaid observations, the present writ petition stands disposed of.

7.

**Sd/-
(P. Sam Koshy)
Judge**

Ved