

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2326 of 2020**

1. Sunil Kumar Ganwirey S/o Late Khema Ram Aged About 38 Years Caste Mahar R/o Village Shahvada, District Kanker Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh,
2. Tribal Development Dantewada, District Kanker Chhattisgarh
3. Collector Kanker, District Kanker Chhattisgarh,
4. District Education Officer Kanker, District Kanker Chhattisgarh,
5. Head Master, Government Middle School Tarasgaon, District Kanker, Chhattisgarh,
6. Principal Government Higher Secondary School Tarasgaon, Block Charama, District Kanker Chhattisgarh,
7. Director, Public Education Indrawati Bhawan, First Floor, Raipur, District Raipur Chhattisgarh,

---- Respondents

For Petitioner	:	Mr. K. N. Nande, Advocate.
For State	:	Mr. Kunal Das, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24.09.2021**

1. The grievance of the petitioner in the present writ petition is the action on the part of the respondent No. 6 who has refused to comply with the order passed by the State Government dated 20.08.2019.

2. The brief factual matrix of the case relevant for the disposal of the writ petition are that the petitioner was working as a peon in Balak Ashram Matapal, District Dantewada. Vide order dated 20.08.2019 the services of the petitioner, by an order of the State Government, was transferred on self-request to the government middle school Tasagaon kanker. The petitioner was relieved from his place of posting at Matapal on 03.10.2019 and the petitioner gave his joining in the establishment of government middle school Tarasgaon Kanker on 05.10.2019.
3. However, for reason best known, the respondent No. 6 who is the principal of a different school i.e. Government High School, has issued an order on 21.03.2020 sending the petitioner back to the office of the Assistant Commissioner Tribal Development Department Dantewada. Surprisingly, the original order of transfer dated 20.08.2019 till date does not stand modified, amended or cancelled in so far as the petitioner is concerned. The petitioner in due compliance of the order, had reported for duty at the transferred place.
4. Under the circumstances, the said order of transfer which was initially issued by the State Government, could not have been refused from being implemented by the respondent No. 5 or for that matter respondent No. 6, unless there is a specific instruction in this regard from any of the Higher Authorities. Since 05.10.2019, the petitioner is struggling to give his joining at the transferred place in-terms of the order of the State Government, neither is there any other place of posting elsewhere given to the petitioner, where he could have given his joining.

5. When the matter was taken up on admission on 22.06.2020, this Court had directed the State Counsel to seek instructions. However though more than 15 months have passed, the reply or instruction of the respondents/State counsel have not been received. That considering the aforementioned factual matrix of the case, this Court does not intend to keep the writ petition further pending thereby the writ petition is being taken up for hearing for final disposal at motion stage.
6. Given the entire facts and circumstances of the case, the present writ petition at this juncture is disposed of directing the respondent No. 1 & 4 to immediately look into the grievance of the petitioner and to take immediate steps for compliance of the order of the State Government dated 20.08.2019 forthwith. The respondents No. 1 & 4 shall also pass a speaking order as to how the intervening period from 05.10.2019 till date, has to be treated, particularly in-respect-of the benefit that the petitioner has been deprived of during the said period only on account of the action on the part of the respondent No. 6 who has returned the services of the petitioner contrary to the transfer order of the State Government. Let entire exercise be completed by the respondents No. 1 & 4 within a period of 45 days from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge