
Harnarayan Sahu Vs State Of Chhattisgarh And Ors

Writ Petition (S) No. 8288 Of 2019

Court: Chhattisgarh High Court

Date of Decision: Oct. 17, 2019

Citation: (2019) 10 CHH CK 0112

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: U.P.S. Sahu, Astha Shukla

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Case of the petitioner is that the petitioner was transferred from Government Primary School Parsada Bade, Block Sarangarh District Raigarh

(C.G.) to Government Primary School Uparpara Mirchid, Block Bhilaigarh, District Baloda Bazar- Bhatapara by an order dated 22/08/2019, however

till date the petitioner has not been able to join the place of posting.

2. Transfer order Annexure P-1 dated 22/08/2019 is not in dispute that the petitioner has been transferred from District Raigarh to District Baloda

Bazar- Bhatapara. In case of Ms. Manisha Agrawal Vs. State of C.G. & ors. reported in 2015(4) C.G.L.J. 182 it has been held that unless and until

transfer order is modified or cancelled, transfer order cannot be kept in abeyance. In the matter of Sreedam Chandra Ghosh Vs. State of Assam &

ors. reported in (1996) 10 SCC 567 the court at para 6 has held as under:-

6. It is then contended that the transfer orders are to be enforced by the Government as per the rules in vogue and the High Court cannot interfere

with these orders. We are unable to appreciate this contention also. When the Government views non-compliance of the transfer order as a serious

indiscipline on the part of the erring officer and when the person complains of the non-compliance to the court, the court necessarily has to give effect

to the order and give directions for enforcement thereof. Under these circumstances, we do not find any merit in the petition.

3. Considering the same and the law laid down by this court, grievance of the petitioner that he has not been relieved till date, it is directed that the

respondent shall allow the petitioner to join his transferred place of posting as per transfer order dated 21/08/2019 subject to just exception, if any.

With such observation, the petition stands disposed of.