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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2730 of 2015**

- Khedan Singh S/o Ben Singh Aged About 42 Years R/o Village Mansukh, Post Mansukh, Police Station And Tahsil Baikunthpur, District Korea (Chhattisgarh) Gram Panchayat Sachiv, Gram Panchayat, Kenapara, Nagar Palika Parishad, Baikunthpur, District Korea (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through - The Secretary, Urban Administration & Development Department, Mahanadi Bhavan, Mantralya, New Raipur, District- Raipur (Chhattisgarh)
2. Deputy Director, Panchayat And Social Welfare, District Korea (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat Korea, District- Korea (Chhattisgarh).
4. Chief Municipal Officer, Nagar Palika Parishad, Baikunthpur, District Korea (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Sanjay Patel, Advocate
For Respondents-State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/08/2015**

1. Petitioner would pray for a direction to the respondents to consider his representation for absorbing his services in the Municipal Council, Baikunthpur and granting him seniority as per the period served in the Panchayat department or revert his services to the Panchayat department.
2. Petitioner was appointed as Panchayat Karmi/Panchayat Secretary in the

year 1995. Consequent to the inclusion of the area of Gram Panchayat, Kenapara within the limits of Municipal Council, Baikunthpur, the Zila Panchayat, Korea issued an order on 28.05.2010 handing over the services of the petitioner as Panchayat secretary of Gram Panchayat, Kenapara to the Municipal Council, Baikunthpur.

3. Section 5 of the Chhattisgarh Municipalities Act, 1961 (for short 'the Act, 1961') provides for constitution of Municipal Council and Nagar Panchayat, whereas section 5-A makes provision to confer power on the Governor to include or exclude certain area from the limits of existing municipal area. This Court is presently concerned with the provisions contained in Section 7 of the Act, 1961, which provides for effect of establishing municipalities for local area which ceases to be town area or Panchayat and Section 8 of the Act, 1961, which provides for effect of including a local area in a municipality. In either condition, when a new municipality is created or the existing Panchayat area is included within the limits of municipal area, it is provided under Section 7 (g) that all officers and servants in the employ of the Town Area Committee or Panchayat, as the case may be, immediately before the specified date shall be officers and servants of the council under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salary and allowances and be subject to conditions of service to which they were entitled or subject immediately before such date provided that it shall be competent to the council to discontinue the services of any officer or servant, who in its opinion, is not necessary or suitable to the requirement of the municipal service after giving such officer or servant notice as is required to be given by the terms of his employment.
4. The provision as mentioned above, makes it clear that petitioner's services

have been handed over to the municipal council, Baikunthpur, in accordance with law and his prayer for sending him back to the Panchayat service is not sanctioned by any law or any other government order issued in exercise of power under Section 7 or 8 of the Act, 1961.

5. Since it does not appear that the State Government has issued any order under the above quoted provisions regarding the prior service of the petitioner, it will be open for the petitioner to move representation in this regard to the State Government through the Chief Municipal Officer of the municipal council, Baikunthpur.
6. In the eventuality of such representation being filed, it is expected of the State Government to consider the matter, in accordance with law and pass a speaking order within six months from the date of representation.

Sd/-

Judge

Prashant Kumar Mishra

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