

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No.5552 of 2016**

- Ajeet Kumar Tiwari S/o Shri Dadu Prasad Tiwari, Aged About 35 Years Working As Assistant Teacher Panchayat Primary School Fathawapara Paldha, Janpad Panchayat Pratappur, Distirct Surajpur Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya New Raipur, Police Station Rakhi, Distirct Raipur Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat Surajpur Distirct Surajpur Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat Pratappur, Distirct Surajpur Chhattisgarh

**---- Respondents**


---

|                      |   |                                |
|----------------------|---|--------------------------------|
| For Petitioner       | : | Shri D. N. Prajapati, Advocate |
| For Respondent/State | : | Shri Sangharsh Pandey, Dy.AG   |

---

**S. B. : Hon'ble Shri Justice P. Sam Koshy****Order On Board****07/10/2016**

Heard.

2. The present petition has been preferred against transfer order dated 22-08-2016 (Annexure P/1), whereby services of the petitioner has been transferred from Primary School, Fathawapara Paldha, Janpad Panchayat Pratappur, District Surajpur to Primary School Barhapara Darhora.

3. Assailing the aforesaid transfer order, learned counsel for petitioner submits that firstly the Chief Executive Officer, Janpad Panchayat Pratappur has no jurisdiction to issue the transfer order. Secondly, he submits that the transfer order has been issued during the ban period. It is lastly contended that the petitioner has already made representation before the competent authority and that representation is still pending

and till the representation is decided, the petitioner may not be relieved from the present place of posting. So far as first two contentions of the petitioner are concerned, learned counsel for the petitioner relied upon the circular of the State Government dated 29-08-2008, whereby certain guidelines have been framed by the State Government in respect of an employee working under the Panchayat and Rural Development Department.

4. However, a perusal of Clause 8 of guidelines dealing with transfer would clearly reflect that the case of the petitioner does not fall in any of the conditions, in which, transfer have to be made, invoking clause 8 of the said guidelines and thus, two grounds raised by the petitioner deserves to be and is accordingly rejected. So far as third contention is concerned, the only relief, this Court can grant is that the petitioner may pursue his representation, which has already been preferred and still pending before the competent authority.

5. In view of above, it is ordered that in case, representation of the petitioner is pending before the competent authority, the same shall be considered and decided by the competent authority expeditiously, taking into consideration the rules/guidelines governing the field of transfer, so far as services of the petitioner is concerned.

6. With the aforesaid observation, this petition is finally disposed of.

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