

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3502 of 2017

- Gaiind Lal Patel S/o Late Chaituram Patel, Aged About 56 Years R/o House No.19 Ward No.13, Gunderdehi, District Balod, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Collector, District Balod (Chhattisgarh).
3. Chief Executive Officer, Jila Panchayat Balod, District Balod, Chhattisgarh.
4. Janpad Panchayat Gunderdehi, Through Its C.E.O. Gunderdehi, District Balod, Chhattisgarh.

---- Respondent

And

WPS No. 3650 Of 2017

1. Ravindra Kumar Sinha S/o Late J.P. Sinha, Aged About 54 Years Posted As Assistant Account Officer, Janpad Panchayat Prem Nagar, District Surajpur, Chhattisgarh. R/o- Govt Quarter Janpad Panchayat Campus, Prem Nagar, District Surajpur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat , Mahandai Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Jila Panchayat Surajpur, District Surajpur, Chhattisgarh.

3. Janpad Panchayat Prem Nagar, Through Its C.E.O. District Surajpur, Chhattisgarh.

---- Respondent

For Petitioners	Shri R.S. Baghel, Advocate
For Respondent/State	Shri Adiraj Surana, Dy. Govt. Advocate
For Respondent No.4 (in WPS No.3502 of 2017)	Shri S. Singh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/10/2017

1. In both these matters, the petitioners have assailed the order passed by the respective Zila Panchyats who have transferred the respective petitioners from one Janpad Panchayat to another Janpad Panchayat.
2. The impugned order issued by the Zila Panchayat without specifying as to the source of power by which it is competent to transfer employees of one Janapd Panchayat to a different Janpad Panchayat within the limits of the Zila Panchayat.
3. It appears Rule 27 of the Chhattisgarh Panchayat Service (Recruitment and General Conditions of Services) Rules, 1999 enabled the Zila Panchayat to transfer the employees of one Janpad Panchayat to other Janpad Panchayat by virtue of proviso inserted in Rule 27 (ii) of the said rules with effect from 30.11.2012, however, by subsequent notification dated 1.12.2015 the said proviso to Rule 27 (ii) has been deleted rendering the Zila Panchayat without any authority or power to

transfer employees of one Janpad Panchayat to the other Janpad Panchayat.

4. In view of deletion of enabling provision authorising the Zila Panchayat to transfer the employees from one Janpad Panchayat to another Janpad Panchayat, the impugned order lacks the jurisdictional mandate to pass such order, therefore, the same are without jurisdictional.
5. In the result, the impugned orders passed in the both the writ petitions deserve to be and are hereby set aside.
6. Accordingly, both the writ petitions are allowed. However, it is made clear that the competent authority would be at liberty to pass fresh order, in accordance with law depending upon the administrative exigency. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri