

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4575 of 2017

- Smt. Chitra Dehre W/o Shri Manoj Dehre, Aged About 43 Years Presently Posted As Assistant Teacher (Panchayat), At Government Kanya Ashram Maro, Block Nawagarh District Bemetara, Chhattisgarh, R/o Kanya Ashram Maro, Nawagarh, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural Development Department, Mantralaya, Naya Raipur, Raipur, Chhattisgarh.
2. Chief Municipal Officer, Nagar Panchayat, Maro District Bemetara (Chhattisgarh).
3. Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara (Chhattisgarh).
4. Chief Executive Officer, Janpad Panchayat Nawagarh, District Bemetara (Chhattisgarh).
5. Block Education Officer, Nawagarh District Bemetara, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Mateen Siddiqui with Shri Faizal Akhtar, Advocate
For Respondent/State	: Shri A. S. Kachhawaha, Additional AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/09/2017

1. The petitioner was appointed as Shiksha Karmi Grade-III by Janpad Panchayat, Nawagarh, District Bemetara on 12-10-2006. On formation of District Bemetara, out of the areas of erstwhile Durg District, the petitioner came to be posted in a School under the Nagar Panchayat, Maro, District Bemetara, whereupon, his service book was sent to the said Nagar Panchayat under oral order from Janpad Panchayat, Nawagarh.

2 Learned counsel for the petitioner would submit that neither the petitioner's service book is sent back to the Block Education Officer, Nawagarh despite the letter dated 15.4.2013- Annexure P/2 nor the petitioner is likely to be considered for promotion to the next higher post within Janpad Panchayat, Nawagarh.

3. In the above circumstances, the petitioner has prayed for a direction to the respondents to treat his under the service of Janpad Panchayat and not of Nagar Panchayat and accordingly, direct his posting.

4. In so far as the petitioner's posting is concerned, this Court cannot issue any direction for posting of an individual at a particular place, however, considering the appointment order Annexure P/1, it is also apparent that an employee's employer cannot be changed by any unilateral and innocuous action of the respondents by sending his to a particular place of posting and thereafter, treating his to be an employee of any other department.

5. In view of the above, the writ petition is disposed of with direction to the CMO, of the concerned Nagar Panchayat, District Bemetara to send back the petitioner's service book to Janpad Panchayat, Nawagarh. On such transfer of the service book, the concerned Janpad Panchayat shall proceed to consider the petitioner as an appointee under the Janpad Panchayat, Nawagarh by virtue of appointment order and take all consequent steps in accordance with law.

Sd/-
(Manindra Mohan Shrivastava)
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