

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5065 of 2017

Premanand Patel S/o Shri Ramroop Patel Aged About 58 Years R/o Village And Post Jatri, Tahsil And Police Station Pusour District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Panchayat And Rural Department Mahanadi Bhawan Mantralaya Police Station & Post Rakhi New Raipur District Raipur Chhattisgarh.
2. Chief Executive Officer (C E O) Office Of C E O Zila Panchayat Surguja Ambikapur Chhattisgarh.
3. Chief Executive Officer (C E O) Office Of C E O Janpad Panchayat Sitapur District Surguja Chhattisgarh.
4. Chief Executive Officer, (C E O) Office Of C E O Janpad Panchayat Mainpat District Surguja Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/09/2017

Heard.

1. The petitioner has challenged the legality and validity of order dated 28.8.2017 on the submission that by the impugned order, the petitioner has been asked to perform the additional duty of lower post of Secretary Gram Panchayat Pidia, whereas the petitioner is working as Assistant Taxation Officer.
2. Though the petitioner's substantive posting as Assistant Taxation Officer has not been disturbed, it appears that the petitioner has been asked to look after the work of the office of Secretary of Gram Panchayat which is a lower post. This appears to be an interim arrangement. According to the petitioner, there

are other Panchayat Secretaries available who could be asked to work as Secretary of concerned Gram Panchayat Pidia.

3. The petitioner's substantive post is a higher post. Therefore, all attempts ought to have been made to ensure that any other Secretary of adjacent Gram Panchayat is asked to work as In-charge Secretary of Gram Panchayat Pidia instead of asking an officer of higher rank to look after the charge of the office of lower post.
4. The petitioner may submit a copy of this order along with representation for decision by the Chief Executive Officer, Janpad Panchayat, Mainpat. The matter shall be decided within a period of 2 weeks. In case the petitioner is not satisfied with the order of Janpad Panchayat, he would be at liberty to prefer appeal under Chhattisgarh Panchayats (Appeal & Revision) Rules, 1995.
5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge