

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2543 of 2017

1. Altaf Khan S/o Abbas Khan, Aged About 57 Years
Accountant, Janpad Panchayat, Bhairamgarh, District
Bijapur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary,
Department Of Panchayat, Mahanadi Bhavan,
Mantralaya, New Raipur (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Bijapur, District
Bijapur (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat,
Bhairamgarh, District Bijapur (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Bijapur,
District Bijapur (Chhattisgarh)
5. Mohan Lal Dewangan, Accountant, Presently Posted At
Janpad Panchayat, Bhopalpatnam, District Bijapur
(Chhattisgarh)

---- Respondent

For Petitioner	Shri T.K. Jha, Advocate.
For Respondent/State Advocate	Shri Adhiraj Surana, Dy. Govt. Advocate
For Respondent Nos. 2&3	Shri R.S. Bhagel and Shri Neeraj Pradhan, Advocates.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/10/2017

1. By the impugned order dated 24.04.2017, the petitioner, working as Accountant in the Janpad Panchayat, Bhairamgarh, has been transferred in the same capacity to the Janpad Panchayat, Bijapur. This order has been issued by the Zila Panchayat, Bijapur, 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.
2. 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.
3. In the return filed by the respondent Zila Panchayat, Bijapur, no details of other source of power to pass the impugned transfer order has been mentioned.

4. In view of the above, the impugned order dated 24.04.2017, in respect of the petitioner, is deserves to be and is hereby set aside.
5. Accordingly, the writ petition is 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