

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4939 of 2017

- Tirith Banjare S/o Ram Ratan Banjare, Aged About 28 Years
Presently Working as Assistant Teacher (Panchayat), Govt.
Primary School, Dharampur, Janpad Panchayat Raigarh, District
Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of
Panchayat And Rural Development, Mantralaya, Mahanadi
Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat Raigarh, District
Raigarh, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat, Raigarh, District
Raigarh, Chhattisgarh.

---- Respondent

And

WPS No. 4974 Of 2017

1. Rajesh Chouhan S/o Shyam Lal Chouhan, Aged About 31 Years
Presently Working As Assistant Teacher Panchayat, Government
Primary School, Bedehardi, Janpad Panchayat Pussore, District
Raigarh Chhattisgarh
2. Naresh Kumar Chouhan, S/o Shyam Lal Chouhan, Aged About
28 Years Presently Working As Assistant Teacher Panchayat,
Government Primary School, Mouhapali, Janpad Panchayat
Pussore, District Raigarh Chhattisgarh
3. Jay Prakash Bairagi, S/o Yudhisthir Bairagi, Aged About 26 Years
Presently Working As Assistant Teacher Panchayat, Government
Primary School, Kosmanda, Janpad Panchayat Pussore, District
Raigarh Chhattisgarh
4. Smt. Rajkumari Kujur, W/o Prafull Kujur, Aged About 36 Years
Presently Working As Assistant Teacher Panchayat, Government
Primary School, Bade Bhandar, Janpad Panchayat Pussore,
District Raigarh Chhattisgarh
5. Laxmi Narayan Sidar, S/o Sonsai Sidar, Aged About 35 Years
Presently Working As Assistant Teacher Panchayat, Government

Primary School, Bade Bhandar, Janpad Panchayat Pussore,
District Raigarh Chhattisgarh

6. Ram Sagar Sidar, S/o Sunder Lal, Aged About 24 Years Presently Working As Assistant Teacher Panchayat, Government Primary School, Thengagudi, Janpad Panchayat Pussore, District Raigarh Chhattisgarh
7. Tarachand Sidar, S/o Ramkumar, Aged About 33 Years Presently Working As Assistant Teacher Panchayat, Government Primary School, Changhori, Janpad Panchayat Pussore, District Raigarh Chhattisgarh
8. Daya Ram Sidar, S/o Harishankar Sidar, Aged About 30 Years Presently Working As Assistant Teacher Panchayat, Government Primary School, Nawapara (B), Janpad Panchayat Pussore, District Raigarh Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat Pussore, Raigarh, District Raigarh (Chhattisgarh).

---- Respondent

And

WPS No. 5169 Of 2017

1. Shashi Bhushan Singh S/o Birich Ram, Aged About 44 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Pandari D, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh
2. Niranjana Ajay S/o Karma Ram Ajay, Aged About 30 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School Boys, Kutela, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh
3. Devanand Soni S/o Ram Prasad Soni, Aged About 27 Years Presently Working As Assistant Teacher (Panchayat), Govt. Primary School, Pikri, Janpad Panchayat Sarangarh, District Raigarh, Chhattisgarh
4. Jayant Kumar Rathia S/o Kartik Ram Rathia, Aged About 27

Years Presently Working As Assistant Teacher (Panchayat),
Govt. Primary School, Ghanipipar, Janpad Panchayat
Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of
Panchayat And Rural Development, Mantralaya, Mahanadi
Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, Raigarh, District
Raigarh, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat, Sarangarh,
District Raigarh, Chhattisgarh

---- Respondent

For Petitioners
For Respondents

Shri Govind Dewangan, Advocate.
Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/11/2017

1. Heard.
2. Learned counsel for the petitioner submits that the
issue involved in the present case is squarely covered
by the order dated 03.07.2017 passed in WPS No.
2791 of 2017 in respect of similarly situated employee,
whose transfer from the jurisdiction of one Zila
Panchayat to other Zila Panchayat has been held to
be without jurisdiction and illegal by this court in WPS
No. 1273 of 2016 (Smt. Geeta Sukhdeve Vs. State of
Chhattisgarh and others) and batch of petitions.

3. Learned counsel for the petitioner submits that one Ku. Girija Patel was also one of the aggrieved employee like the petitioner had assailed the order of transfer from one Zila Panchayat to other Zila Panchayat, which was set aside by this Court. Later on, Ku. Girija Patel filed another petition WPS No. 2791 of 2017 claiming that she is entitled to salary for the period it was not paid to her for non-joining pursuant to the impugned order of transfer. That petition has been allowed vide order dated 03.07.2017 with the direction to make payment of salary with effect from the date of transfer till the date of joining.
4. Learned State counsel could not dispute the legal position and that the case of the petitioner is similar to that of Ku.Girija Patel in whose favour, order has been passed by this Court on 03.07.2017. He, however, submits that it would require factual verification as to the date which the petitioner joined duty.
5. In view of the aforesaid submission, I am inclined to allow this petition on the same terms as in the case of Ku. Girija Patel (WPS No. 2791 of 2017) decided vide order dated 03.07.2017 and direct respondents to grant consequential relief including wages with effect from the date of transfer till the date, the petitioner joined his duty. Let necessary steps be taken in this regard within a period of 60 days from today.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh

