

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5090 of 2016

Smt. Neelima Chauhan W/o Shri Mohan Singh Chauhan, Aged About 31 Years
Presently Posted As Assistant Teacher Panchayat Government Primary School
Gunarboad, Block And Tahsil Bemetara, District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Deaprtment Of Panchayat And Rural Development, Mahanadi Bhawan Mantralaya New Raipur Distirct Raipur Chhattisgarh
2. Collector, Collectorate Bemetara, Distirct Bemetara Chhattisgarh
3. Janpad Panchayat, Bemetara Through The Chief Executive Officer, Janpad Panchayat Bemetara, Bemetara, District Bemetara Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Bemetara, District Bemetara Chhattisgarh
5. Janpad Panchayat, Durg Through The Chief Executive Officer, Janpad Panchayat Durg, District Durg Chhattisgarh
6. Zila Panchayat, Bemetara, Through Its Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara, (Chhattisgarh)
7. Zila Panchayat, Durg, Through Its Chief Executive Officer, Zila Panchayat, Durg, District Durg, (Chhattisgarh)

---- Respondents

Shri Amrito Das, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State / respondents 1 and 2.
None for other respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/02/2016

The petitioner has filed this petition seeking issuance of direction for consideration of her transfer on her own request from the jurisdiction of Jila Panchayat, Bemetara to the jurisdiction of Jila Panchayat, Durg.

2. Learned counsel for the petitioner submits that the husband of the petitioner is working as Programmer in the office of District Project Officer, Rajiv Gandhi Shiksha Mission, Durg. Therefore, the petitioner has applied for transfer by way of consent as permissible under Rule 27 of the Chhattisgarh Panchayat Service (Recruitment and General Conditions of Services) Rules, 1999 (for short 'the Rules of 1999'). He submits that though Jila Panchayat, Durg has already given its NOC, the Chief Executive Officer, Jila Panchayat, Bemetara has not considered petitioner's request so far.

3. Learned State counsel submits that under the scheme of the Rules, petitioner's application for transfer is permissible only when there is No Objection Certificate given by both the Jila Panchayats and in the case in hand, it is for the Chief Executive Officer, Jila Panchayat, Bemetara to consider and decide petitioner's application for transfer.

4. Taking into consideration the submission of learned counsel for the parties and relief sought by the petitioner, I am not inclined to keep this matter pending anymore. The petition is accordingly finally disposed off with a direction that the Chief Executive Officer, Jila Panchayat, Bemetara shall consider petitioner's request for transfer as per provisions contained in Rule 27 of the Rules of 1999.

Considering that the petitioner has moved application way back in the month of April, 2016, it is directed that the same shall be decided within a period of four weeks from the date of receipt of copy of this order and thereafter, appropriate orders may be passed in accordance with law within the same period.

Sd/-
(Manindra Mohan Shrivastava)
Judge