

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2302 of 2017**

- Smt. Somprabha Divya W/o Late Shri Deves Divya, Aged About 27 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Kampa (Maro), Block Nawagarh District Bemetara (Chhattisgarh) R/o Village Khaira, Tahsil Nawagarh, District Bemetara (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural Development Department, Mantralaya, Naya Raipur, District 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)

---- Respondent

For Petitioner
For Respondent /State

Mr. Mateen Siddique, Advocate
Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/5/2017**

1. Heard.
2. The petitioner was appointed as Shiksha Karmi Grade-III by

Janpad Panchayat, Nawagarh, District Durg on 29.8.2009. 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, her service book was sent to the said Nagar Panchayat under oral order from Janpad Panchayat, Nawagarh.

3. 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.
4. In the above circumstances, the petitioner has prayed for a direction to the respondents to treat her under the service of Janpad Panchayat and not of Nagar Panchayat and accordingly, direct her posting.
5. 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 him to a particular place of posting and thereafter, treating him to be an employee of any other department.
6. In view of the above, the writ petition is disposed of with direction to the CMO, Nagar Panchayat, Maro, 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 -Annexure P/1 and take all consequent steps in accordance with law.

Sd/-

Judge

(Prashant Kumar Mishra)

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