

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 483 of 2017

- Smt. Pushpanjali Pandey W/o Vivek Pandey, Aged About 32 Years Presently Posted As Teacher (Panchayat) (Subject Maths) At Government Middle School Belmand, Block Balod District Balod, R/o Amapara, Dalli Raod, Balod, District Balod (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Balod, District Balod (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/02/2017

1. Heard.
2. The petitioner has challenged the order dated 18/07/2016, by which the transfer order has been cancelled. Challenge is laid the petition on the ground that the order of cancellation of transfer of the petitioner has been passed by Exectuvice Officer, which is against the settled legal position laid down by this Court in series of decisions. The petitioner was required to explain the delay in filing the petition in response to which it is stated that after the cancellation of the transfer order, she represented the authorities concerned. On 05/11/2016, the President, Jila Panchayat, Balod sent a letter to the Chief Executive Officer, Jila Panchayat requesting not to discharge the petitioner from her present place of posting until any teacher

is posted to teach the Mathematics subject in the Government Middle School, Belmand, District Balod. Thereafter, a meeting was held on 23/11/2016 by General Administration Committee of Jila Panchayat and it was resolved that the petitioner who has already been relieved should be allowed to continue to work.

3. The order of cancellation was passed on 18/07/2016 and nothing is produced to show that the petitioner took recourse to any remedy before any Court. The letter dated 05/11/2016 and resolution dated 05/12/2016 only indicate that for facilitating present arrangement, the matter was pending with the authorities to continue the petitioner for some more time, which is not sufficient ground to explain the delay in filing the petition.

4. In that view of the matter, I am not inclined to interfere with the order, however, the petitioner would be at liberty to file representation before the competent authority who has passed the order seeking appropriate order as per the orders passed by this Court in '*Smt. Laxmi Adhikari vs. State of Chhattisgarh and others*', WP(S) No. 3247 of 2016 decided on 28/07/2016. If such representation is filed, the authority, who has passed the impugned order, shall decide the same within four weeks from the date of receipt of copy of this order.

Sd/-

(Manindra Mohan Shrivastava)
Judge