

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1388 of 2017**

Smt. Dalita Dewangan W/o Shri Dileshwar Dewangan, aged about 32 years, R/o Ward No. 07 Gandai, Post Gandai, Tahsil Chhuikhadan, Civil & Revenue District Rajnandgaon (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. The Chief Executive Officer, District Panchayat Rajnandgaon, Civil & Rev. District Rajnandgaon, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat, Chhuikhadan, Civil & Rev. District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Dinesh Tiwari, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/03/2017**

Challenge to the present writ petition is the order dated 08.12.2016 whereby in the seniority list, the name of the petitioner is reflected at serial no.226 whereas it ought to have been at serial no.4.

2. Contention of the counsel for the petitioner is that the appointment of the petitioner is of the year 2005. Admittedly, the petitioner has been transferred on her own request to the present place of posting at Primary School Basawar (Chhuikhadan) from Primary School Damakheda (Simga). He submits that the petitioner is entitled for getting bottom seniority of the year of her appointment at the new place of posting. He further submits that the petitioner being appointed in the year 2005, she should be given the bottom seniority among the persons

who had been appointed in the year 2005 at the new place of posting and therefore, the petitioner has filed this petition on the basis of this claim.

3. The said claim cannot be accepted for the reason that the rule governing the field itself prescribes that in the event of the transfer being made at the request of the employee, she loses her seniority at the new place of posting and she shall be given at the bottom of the seniority. If the analogy of the petitioner is accepted, a person of 2005 who is not getting promotion at his present place of posting finds at some other place there being no person of the year 2005 can seek a request transfer and can avail the advantage transfer and also promotion. This is not the mandate of the Rule position. This could be used as a tactic for accelerated promotion.

4. Thus, the present writ petition being devoid of merits deserves to be and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**