

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 158 of 2018

Siya Ram Sahu S/o Shri Makhan Lal Sahu, Aged About 50 Years By Post Lecturer Panchayat, Posted At Govt. Higher Secondary School Tamora, Block Baghbahra, Zila Panchayat And Distt. Mahasamund Chhattisgarh R/o Village Khatti, P. S. Komakhan, Civil And Revenue Distt. Mahasamund Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through-Awar-Sachiv Under Secretary Department Of Panchayat Evam Gramin Vikas Mahanadi Bhawan, New Raipur Chhattisgarh, Chhattisgarh
2. The Chief Executive Officer, Ceo Zila Panchayat- Mahasamund, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
3. The Block Education Officer, Beo Block Baghbahra, Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
4. Roop Singh Thakur, Lecturer Panchayat Posted At- Govt. H.Sec.School- Dularpali, Block- Basna, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

.....Respondents

For Petitioner	:	Mr. J.A. Lohani, Advocate
For State	:	Mr. Prasun Bhaduri, G.A.
For respondent No.2	:	Mr. Shashank Thakur, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25.01.2018

Heard.

1. The petitioner has filed this petition assailing correctness and validity of transfer order dated 25.11.2017. Initially a notice was issued by this Court and interim protection was granted to the petitioner taking into consideration acute frequency of transfer.

Mr. Shashank Thakur, Advocate appearing for respondent No.2, raises an objection with regard to the maintainability of the petition by submitting that the order impugned could be challenged by filing an appeal before the competent authority as provided under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 (for short "the Rules of 1995").

2. The petitioner has challenged the transfer order on the ground of it being very frequent. There was appreciated and interim protection was granted to the petitioner.

3. However, considering that there exists an alternative remedy of filing an appeal under the Rules of 1995 and this is only a case of transfer, I am inclined to dispose off the matter with liberty to the petitioner to file an appeal as provided under the Rules of 1995. For a period of three weeks, the petitioner shall not be disturbed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha