

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1121 of 2018

Vyasnarayan Lahre S/o Shri Sant Ram Lahre Aged About 53 Years Posted As Secretary, Gram Panchayat, R/o Gram Panchayat, Umariya, Janpad Panchayat, Patharia, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat, Patharia, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
4. Rakesh Thakur Posted As Secretary, Gram Panchayat, Kirna, Janpad Panchayat, Patharia, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
5. The Collector District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
6. The Commissioner Bilaspur Division, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

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For Petitioner	:	Shri Bharat Rajput, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer
For respondents 2 and 3	:	Shri Satish Gupta, Advocate
For respondent No.4	:	Shri Neeraj Pradhan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/04/2018

The transfer order of the petitioner passed on 16/11/2017 and thereafter, a modification order changing petitioner's place of transfer from Gram Panchayat – Kirna to Chadrapuri is under challenge in this petition on the ground that the transfer is without jurisdiction, it has been passed in malafide exercise of power, in violation of

transfer policy and order dated 01/01/2018 has been issued without cancelling earlier transfer order dated 16/11/2017.

2. On the issue of jurisdiction, this Court had required the respondents to clarify the position. The return filed by the respondents shows that as far as panchayat karmis are concerned, these are non-statutory posts and the appointments, transfers and terms and conditions of panchayat karmis are governed by execution instructions issued by the Government on 29/08/2008. Clause 8 thereof clearly authorises Jila Panchayat to transfer Panchayat Karmi from one gram panchayat to other gram panchayat. The transfer order has been passed on the recommendation of the Janpad Panchayat. The petitioner, not being a Government Servant, the transfer policy of the Government is not applicable to the petitioner.

There is no material on record to show that the authority passed the transfer order malafide against the petitioner. The subsequent modification order dated 01/01/2018 clearly states that the order has been passed to change the Head Office which amounts to transfer. Therefore, none of the grounds are made out. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge