

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3954 of 2018**

Triveni Prasad Gupta S/o Late Shri Hari Ram Gupta, Aged About 44 Years Occupation Secretary Gram Panchayat Sulsuli, Janpad Panchayat Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh.
2. Jila Panchayat, Chief Executive Officer, Balrampur-Ramanujganj District Balrampur-Ramanujganj Chhattisgarh.
3. The Deputy Director (Panchayat), District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh.
5. Vinod Kanojiya, Secretary, Gram Panchayat, Virendra Nagar, Janpad Panchayat Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh. Presently Incharge Secretary, Of Gram Panchayat Sulsuli.

----Respondents

For Petitioner	:	Mr. D.N. Prajapati, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate
For Intervenor	:	Mr. Shakti Raj Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/08/2018**

1. The orders under challenge are dated 18.04.2018 and 05.05.2018 issued by the respondent No. 3 & 4, whereby the services of the petitioner working as a Secretary, Gram Panchayat Sulsuli, Janpad Panchayat, Wadrafnagar, District Balrampur-Ramanujganj has been attached to the Gram Panchayat, Shardapur (Su) Janpad Panchayat, Wadrafnagar and respondent No.3 has given the additional charge of Gram Panchayat Sulsuli to the respondent No.5, who is Secretary of Gram Panchayat Virendra Nagar, Janpad

Panchayat Wadrafnagar, District Balrampur-Ramanujganj,
Chhattisgarh.

2. The challenge in the present writ petition is that the Government vide order dated 04.06.2001 and which still holds good has banned attachment of the officers from one place to another.
3. This aspect is not controverted by the State counsel, though the counsel tries to justify the action by stating that the impugned order seems to be an order passed under administrative exigency taking into account the length of service of the petitioner at the present place of posting.
4. Once when it is undisputed that the Government has literally put a ban on officers being attached from one place to another place, the impugned order to that extent is not sustainable, howsoever justified the reasons there may be for attachment. The only remedy available with the respondents was a properly issued order of transfer.
5. Reserving the right of the respondents for issuing suitable orders, the impugned order so far as the petitioner is concerned, stands set-aside/quashed with consequences to follow.

Sd/-
(P. Sam Koshy)
Judge