

HIGH COURT OF CHHATTISGARH AT BILASPURWRIT PETITION (S) NO. 4163 OF 2018

Narayan Sardar, S/o Late Narendra Nath Sardar, aged about 47 years, Occupation-Service, posted as Panchayat Secretary, Village Panchayat- Maharajganj, Janpad Panchayat- Balrampur, District Balrampur-Ramanujganj (C.G.) **... Petitioner**

versus

1. State of Chhattisgarh, through- the Secretary, Department of Panchayat & Rural Development, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. The Chief Executive Officer, Zila Panchayat- Balrampur, District Balrampur-Ramanujganj (C.G.)
3. The Chief Executive Officer, Janpad Panchayat- Balrampur, District Balrampur-Ramanujganj (C.G.) **... Respondents**

For Petitioner : Mr. A.N. Pandey, Advocate.

For Respondent-State : Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/06/2018

1. The dispute raised by the Petitioner in the instant case is in relation to place of posting of the Petitioner being changed after the order of suspension has been revoked.
2. Contention of the Petitioner was that the Petitioner was posted at Maharajganj Gram Panchayat under Janpad Panchayat Balrampur when he was placed under suspension on 15.5.2018. Subsequently, vide the order dated 30.5.2018 the Respondent No.3 revoked the order of suspension and changed the place of posting of the Petitioner from Maharajganj to Jarhadeeh Gram Panchayat under Janpad Panchayat Balrampur.
3. Learned Counsel for the Petitioner submits that once when the order of suspension has been revoked the Petitioner ought to have been posted at the place where he was originally posted i.e. at Maharajganj and his place of posting could not have been changed on revocation. The second ground raised by the Petitioner is that the place where the Petitioner is ordered to be posted i.e. at Jarhadeeh is already occupied by the Panchayat Secretary, namely, Shri Dilip Gupta who was initially on the Petitioner being sent to Jarhadeeh was ordered to be transferred to Maharajganj but later on vide order dated 30.5.2018 the posting of said Dilip Gupta has been

stayed by Respondent No.3 and as such the post of Panchayat Secretary at Jarhadeeh already stands occupied by Shri Dilip Gupta and the Petitioner's place of posting therefore deserves to be changed back to Maharajganj from where he was placed under suspension.

4. The issue involved in the instant case is only in respect of place of posting of the Petitioner. If according to the Petitioner the post of Panchayat Secretary at Jarhadeeh was already occupied by one Shri Dilip Gupta, it would be for the Respondent No.3 to decide the place of posting of the Petitioner.

5. Given the fact that the dispute is only in respect of place of posting, it is ordered that Respondent No.3 immediately on receipt of the order of this Court within a period of 15 days shall decide the place of posting of the Petitioner particularly taking note of the fact that the place of posting of the Petitioner at Jarhadeeh already stands occupied by Shri Dilip Gupta.

6. With the above direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge