

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5064 of 2018

Kirti Kumar Nagwanshi S/o Late Phool Singh, aged about 52 years, R/o village & Post Anwari, Vikash Khand – Kurud, District Dhamtari (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh – Through the Secretary, Panchayat, Secretariat Indravati Bhawan, New Raipur, District Raipur (C.G.).
2. The Collector, District Dhamtari (C.G.).
3. The Chief Executive Officer, Janpad Panchayat Kurud, District Dhamtari (C.G.).
4. The Chief Executive Officer, Jila Panchayat, Dhamtari (C.G.).

---Respondents

For petitioner : Shri V.R.Tiwari, Advocate.
For respondents : Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2018

1. The challenge in the present Writ Petition is to the order of transfer Annexure-P/1 dated 05/07/2011 whereby the services of the petitioner has been transferred from Gram Panchayat, Sirri to Gram Panchayat, Singhouri Khurd.
2. The contention of the counsel for the petitioner is that, the order of transfer is infact a stigmatic order wherein it has been alleged that, the petitioner has committed certain illegality/irregularities in the course of discharge of his duty at the present place of posting. He submits that, the requirement of the scheme, as well as the Rules is that, in case of transfer

order on any allegation or complaint, the least that is required is an opportunity of hearing which in the instant case has not been provided.

3. Given the aforesaid facts and circumstances of the case, this Court does not intend to keep the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the petitioner to file a detailed representation in respect of the impugned order to the respondent No.4 within a period of 15 days from today and on such representation being made it is expected that the respondent No.4 shall decide the representation objectively considering the scheme, guidelines and Rules applicable so far as the service conditions of the petitioner is concerned within an outer limit of 8 weeks thereafter if required the petitioner also be given an opportunity of hearing.

4. Meanwhile, till the representation of the petitioner is decided, there shall be a stay of the impugned order so far as the petitioner is concerned.

5. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE