

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 5236 OF 2018**

1. H. N. Singh S/o Late Tribhuwan Singh Aged About 56 Years R/o Purani Basti, Bhandari Chowk, Dhobipara, Korba, District- Korba, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhavan Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Engineer Rural Engineer Services, Vikas Bhavan, Civil Line, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Collector District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Jila Panchayat Korba, Through Chief Executive Officer, Jila Panchayat, Korba, Chhattisgarh., District : Korba, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Hemant Kesharwani, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.08.2018**

1. The order under challenge is Annexure P/1 dated 26.07.2018, whereby the services of the petitioner working as a Sub-Divisional Officer under the Rural Engineering Services, Sub Division Korba has been attached to the office of Zila Panchayat, Korba by an order issued by the Chief Executive Officer, Zila Panchayat, Korba.
2. The challenge in the present writ petition is that the Government vide order dated 04.06.2001 and which still holds good where the Govt. has banned attachment of the officers from one place to another. Secondly, such an order could not have been issued by the CEO, Zila Panchayat as it is not within his jurisdiction and powers conferred upon him in respect of an officer of Rural Engineering Services.

3. The contention of the counsel for the petitioner even otherwise is that the order of posting also could not have been determined by the Chief Executive Officer, Zila Panchayat so far as the petitioner is concerned, who otherwise is a substantive officer of the Rural Engineering Services and it is only the State Government who could decide the place of posting of the petitioner.
4. 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.
5. Once when it is undisputed that the Chief Executive Officer, Zila Panchayat was incompetent to decide the posting of the petitioner, and secondly when it is also not in dispute 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. Such orders could only be issued by the competent authorities under the State Government by way of issuance of proper transfer orders.
6. Reserving the right of the respondents for issuing suitable orders, the impugned order so far as the petitioner is concerned, stands set-aside/quashed, consequences to follow.

Sd/-

(P. Sam Koshy
Judge)