

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5471 OF 2018**

Sant Ram Barmate S/o Phagwa Ram Barmate Aged About 59 Years
Presently Working As Gram Panchayat Secretary, Kumhi Janpad
Panchayat Kabirdham Chhattisgarh.

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

1. State Of Chhattisgarh Through The Secretary, Panchayat and Rural Development Department Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Chief Executive Officer Jila Panchayat District Kabirdham Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Pandariya District Kabirdham.
4. Sukhdev Chandravansi R/o Gram Panchayat Bitkuli Kala Janpad Panchayat, District Kawardha Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Shri Sushil Dubey, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24.08.2018**

1. The petitioner originally vide order dated 20.06.2018 was transferred from Gram Panchayat Kumhi to Gram Panchayat Kandawani. The said order of transfer dated 20.06.2018 was challenged in WPS No.5171 of 2018. This court after hearing the parties was not inclined to entertain the petition and disposed of the same with a direction to the respondents to consider and decide the representation of the petitioner.
2. Subsequently, the respondents have now issued an order dated 14.08.2018 whereby the place of posting of the petitioner has been changed again by a fresh transfer order issued transferring him from Kandawani to Koylarikapa under Janpad Panchayat Pandariya.
3. The situation remains the same. This time the petitioner has challenged the order dated 14.08.2018 transferring him from Kandawani to

Koylarikapa. It appears that the petitioner does not want to leave the place of original posting i.e. Gram Panchayat Kumhi for some obvious reason. The distance between all these places where the petitioner is presently posted are too short a distance which could cause hardship to the petitioner in discharging his duty.

4. The petitioner after arguing for some time submits that let the authorities concerned take a decision on the representation of the petitioner wherein he has sought for a relief of permitting him to remain at Gram Panchayat Kumhi.
5. This request of the petitioner can only be considered and decided by the respondents and this court in exercise of its jurisdiction under Article 226 of the Constitution of India can not pass any direction in this regard.
6. Since the petitioner has been issued with a fresh order of transfer to which also he is not satisfied, this court can only dispose of the writ petition directing the respondents to consider the claim of the petitioner for remaining at Gram Panchayat Kumhi. The petitioner would be at liberty to make a fresh representation against the fresh order of transfer. It is ordered accordingly.
7. With the aforesaid observations, the petition stands disposed of.

Sd/-
(P. Sam Koshy
Judge