NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO.7376 OF 2018

1. Horilal Nishad S/o Hemlal Nishad Aged About 47 Years Secretary Gram Panchayat Kodia, Tahsil Dhamdha, P.S. Dhamdha, District- Durg, Chhattisgarh.

…Petitioner(s)

Versus

1. The State Of Chhattisgarh Through Chief Secretary Gram Panchayat Mahanadi Bhawan Mantralaya Raipur, Chhattisgarh.

2. The Collector Durg, District- Durg, Chhattisgarh.

3. The Chief Executive Officer Zila Panchayat Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

4. Chief Executive Officer Janpad Panchayat Dhamdha Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

5. Smt. Bisanti Sahu Sarpanch, Gram Panchayat Kodia, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

6. Shri Gopal Prasad Yadav Secretary Gram Panchayat Sagni, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

… Respondent(s)

For Petitioner	:	Shri Arvind Dubey, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.11.2018

1. Challenge in this petition is to the order dated 01.09.2018 whereby the services of the petitioner has been transferred from Gram Panchayat Kodia to Gram Panchayat Sagni and in turn, the respondent No.6 has been transferred from Gram Panchayt Sagni to Gram Panchayat Kodia.

2. The counsel for the petitioner submits that the said order has been passed by the respondent No.4 who is an incompetent authority inasmuch as since he is a notified Panchayat Secretary, his services could have been transferred only by the State Govt. Moreover, the transfer has been made on the basis of some baseless complaint

which has not been enquired and if it has been enquired, the petitioner has not been taken into confidence before passing of the order of transfer.

3. Given the aforesaid facts and circumstances of the case which the petitioner has raised, without expressing any opinion on the merits of the case, let the petitioner make a detailed representation in this regard to the respondent No.2 who in turn shall consider the grievance of the petitioner and pass an appropriate order at the earliest preferably within a period of 60 days from the date of receipt of representation. Meanwhile, till the representation is finally decided, status quo as it exist today so far as the posting of the petitioner is concerned shall be maintained.

4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder