

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 134 of 2019**

*{Arising out of order dated 25.01.2019 passed by the learned Single Judge in Writ
Petition (S) No. 549 of 2019}*

- R.S. Rathore S/o Late Hanuman Prasad Rathore, aged about 61 years, Presently Posted as Sub Divisional Officer, R.E.S. Sub Division Kawardha, District Kabirdham (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh through : Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District-Raipur (C.G.)
2. Chhattisgarh State Election Commission, Through : Chief Election Officer, D.K.S. Bhawan, Old Mantralaya, Raipur (C.G.)
3. Collector and District Election Officer, District Kabirdham (C.G.)
4. Manoj Soni, Sub Engineer, R.E.S. Sub Division Kawardha, District Kabirdham (C.G.)

---- Respondents

For Appellant	:	Shri Hemant Kesharwani, Advocate.
For Respondents No. 1 to 3/State:	:	Ms. Richa Shukla, Deputy Government Advocate.
For Respondent No. 4	:	Shri R.S. Marhas, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****20.02.2019**

1. Heard the learned counsel for the Appellant, learned Deputy Government Advocate for the State and learned counsel for the Respondent No. 4.
2. Writ application of the present Appellant was dismissed by the learned Single Judge vide his order dated 25.01.2019. He approached the writ Court

challenging the order dated 17.01.2019 passed by the Collector-cum-District Election Officer, Kabirdham attaching his services with the office of the District Election Officer.

3. Stand taken before the learned Single Judge was that he is a Class-II Officer, therefore, the Collector could not exercise such authority over him and since there is no notification as such in relation to any elections, therefore, such order should be interfered with it.
4. The learned Single Judge has taken note of the fact that the Lok Sabha election is round the corner and that under the Representation of the People Act, 1951, the Election Officer has been given the widest power to depute or take assistance of man, material and property for preparation or conduct of election.
5. Since it is a temporary arrangement, the learned Single Judge has rightly dismissed the writ application and we do not find any infirmity with the view so taken, keeping in mind the statutory provision and the powers conferred on the Collector as the District Election Officer.
6. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge