

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1964 of 2019

H. N. Khotel S/o Late Shri Ganesh Ram Khotel, Aged About 48 Years
Working As In-Charge, Chief Executive Officer, Janpad Panchayat
Katghora, District- Korba, Chhattisgarh ----- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
Scheduled Tribes And Scheduled Caste Development, Mantralaya,
Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Collector, Korba, District- Korba, Chhattisgarh
3. Project Administrator, Integrated Tribal Development Project, District-
Korba, Chhattisgarh
4. Shri Vijay Kumar Chouhan, In-Charge Area Organiser, Substantively
Holding The Post Of Lecturer, Tribal Welfare, Korba, District- Korba,
Chhattisgarh ----- **Respondents**

For Petitioner	:	Mr. Arvind Dueby, Advocate
For Respondents	:	Mr. Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/03/2019

1. The challenge in the present writ petition is to the order Annexure P-1
dated 07.03.2019 whereby the petitioner who was appointed as In-
charge Chief Executive Officer of Janpad Panchayat, Katghora by an
order passed by the State Govt. on 23.07.2018 has been shifted at the
instance of respondent no.2 Collector of the District posting the
petitioner as Area Coordinator of Tribal Welfare Office, Korba.
2. Contention of the counsel for the petitioner is that once the petitioner
was made In-charge, Chief Executive Officer by the State Govt., his

posting order could not have been shifted by an order of the Collector or for that matter the Project Administrator. Thus, the impugned order is bad. He further submits that the impugned order is bad in law for the reason that respondent no.4 who is being made the Incharge CEO of Janpad Panchayat, Katghora is an Officer from different department i.e. School Education Department and respondent no.4 could not have been assigned the charge which otherwise has to be retained by an officer of the Tribal Welfare Department.

3. Given the said facts, let the petitioner raise an objection/representation before respondent no.1 pertaining to his grievance and inconvenience within a period of 20 days from today and respondent no.1 in turn shall decide the same in accordance with the rules and regulations particularly decide the aspect whether the posting of the petitioner could have been shifted by an order of the Collector or the Project Administrator when the petitioner was made Incharge, CEO by an order of the State Govt. The authority concerned would also take into consideration the fact that the next promotional post of the petitioner was CEO unlike respondent no.4. Let respondent no.1 take an appropriate decision in this regard within a period of 60 days from the date of receipt of copy of this order. Meanwhile, let status quo as it exists today so far as the posting of the petitioner as well as the respondent no.4 is concerned be maintained till the decision is taken by respondent no.1.

Sd/-
(P. Sam Koshy)
Judge