

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2040 OF 2019**

S.C.Kachhwaha S/o Shri Ramdas Kachhwaha, Aged About 57 Years
Occupation Govt. Employee, Chief Executive Officer Posted At Janpad
Panchayat Pattalgaon, District Jashpur Chhattisgarh. Permanent R/o
Siddhi Vinayak Colony, Indira Nagar, Raigarh, Tahsil And District Raigarh
Chhattisgarh.

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

1. The State Of Chhattisgarh Through The Secretary, Department Of Scheduled Tribes And Scheduled Caste Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Commissioner Scheduled Tribes And Scheduled Caste Development, Indrawati Bhawan, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Raghunath Ram Chief Executive Officer, Janpad Panchayat Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

... Respondent(s)

For Petitioner : Shri Roop Naik, Advocate.

For Respondent-State : Shri Saleem Kazi, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20.03.2019**

1. The challenge in this petitioner is to the order of transfer dated 08.03.2019 whereby the petitioner has been transferred from Janpad Panchayat Pathalgaon to Raipur.
2. The contention of the petitioner assailing the order of transfer is that the petitioner has been subjected to frequent transfer in as much as the petitioner in the past was transferred from Janpad Panchayat Lailunga to office of the Tribal Welfare, Raigarh vide order dated 14.09.2016. The petitioner having complied with the same was again transferred vide order dated 31.08.2018 from Raigarh to Janpad Panchayat Pathalgaon. This order was also complied with and having worked at Pathalgaon for less than six months the petitioner has again been transferred vide order dated 08.03.2019 from Pathalgaon to Raipur. Thus, he has been subjected to frequent transfer.

3. Document Annexure P/4 would show that the petitioner has been appointed as one of the Zonal Officer at Janpad Panchayat, Pathalgaon for the forthcoming Lok Sabha Election to be held in the month of April, 2019. There are specific instructions from the Election Commission of India that the officers who have been appointed as Zonal Officer for the election work would not be subjected to transfer till the elections are over. The petitioner herein was appointed as Zonal Officer on 01.02.2019. The impugned order was passed on 08.03.2019. Thus, the same could not have been done without sanction/approval or consent of the Election Commission.
4. Given the aforesaid factual matrix of the case, let the petitioner make a detailed representation to the respondent No.1 within a period of 10 days from today and the respondent No.1 in turn shall consider the representation of the petitioner taking into consideration the appointment of the petitioner as Zonal Officer for the forthcoming election and pass an appropriate order at the earliest preferably within a further period of 30 days.
5. Till the representation of the petitioner is decided by the respondent No.1, it is ordered that the effect and operation of the impugned order dated 08.03.2019 so far as the petitioner is concerned, shall remain stayed.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge