

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2170 of 2019**

Mannu Lal (M.L.) Verma S/o Shri Manrakhan Lal Verma, Aged About 57 Years, Presently Posted As Chief Executive Officer, Janpad Panchayat Dondi, District Balod, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Caste And Scheduled Tribe Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
2. Collector, Balod, District Balod, Chhattisgarh
3. Shri Bhuneshwar Singh Raj Working As Block Education Officer Posted As In-Charge Chief Executive Officer, Janpad Panchayat, Keshkal, District Kondagaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Shashank Thakur, Advocate
For State	:	Shri Ishan Verma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27.03.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 08.03.2019 whereby the petitioner has been transferred from Janpad Panchayat, Dondi, District Balod to Janpad Panchayat, Bijapur, District Bijapur and the petitioner is being replaced by respondent no.3.
2. The primary contention of the petitioner is that the respondent no.3

was the Chief Executive Officer of Janpad Panchayat, Dondi prior to the petitioner joining the said place by transfer on 3rd of October, 2018 and within a short span of just about 5 months time, respondent no.3 has been able to manage a fresh order of transfer being issued and getting posted back at the place where the petitioner was working i.e. at Janpad Panchyat, Dondi. Thus, according to the petitioner, it is a clear case where the order of transfer pertaining to the petitioner has been passed only to accommodate respondent no.3 which is arbitrary and bad in law. The second ground which the petitioner has raised is that the petitioner previously was working at Khadgawa, District Koriya which is a scheduled area and he has worked there for a period of 5 years. The policy of the State Govt. is that a person who has worked in a scheduled area should be as far as possible accommodated in a non-scheduled area after his tenure at the scheduled area is completed. This also makes the order of transfer to be bad in law and contrary to the transfer policy of the State Govt. Further ground of challenge is that respondent no.3, in fact, is not eligible and competent to hold the post of CEO of Janpad Panchayat as he does not have the requisite eligibility criteria for the said post as is envisaged in the guide lines and rules governing the field.

3. Given the afore said facts and circumstances of the case, let the petitioner make a detailed representation in this regard to respondent no.1 within a period of 10 days from the date of receipt of copy of this order. Subject to the petitioner making a representation within the prescribed period, respondent no.1 in turn shall decide the same and

pass a speaking order dealing with all the grounds that the petitioner would raise in his representation within a further period of 45 days from the date of receipt of the representation. Till the representation of the petitioner is decided, the effect and operation of the impugned order Annexure P-1 so far as the petitioner is concerned shall remain stayed.

4. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**