

**HIGH COURT OF CHHATTISGARH AT BILASPUR**  
**WPS No. 2296 of 2019**

Dr. Agyamani Patel son of late Ghasiram Patel, aged about 58 years, presently posted and working as Chief Executive Officer, Janpad Panchayat Dharamjaigarh, District Raigarh Chhattisgarh.

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Schedule Tribe And Schedule Caste Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Chief Election Officer Chhattisgarh Shastri Chowk, Near Old Mantralaya, Raipur, District Raipur Chhattisgarh.
3. Collector Raigarh, District Raigarh Chhattisgarh.
4. Shri L.J. Sidar Present Posted And Working As Chief Executive Officer, Janpad Panchayat Kansabel, District Jashpur Chhattisgarh.

---Respondents

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|--------------------------|---|---------------------------------|
| For petitioner           | : | Shri Shashank Thakur, Advocate. |
| For Respondent No. 1 & 3 | : | Shri Anshuman Shrivastava, P.L. |
| For Respondent No. 4     | : | Shri Roop Naik Advocate.        |

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

**05/04/2019**

1. The Challenge in the present writ petition is to the order Annexure P-1 dated 08.03.2019 whereby the services of the petitioner has been transferred from Dharamjaigarh, District Raigarh to Tamnar, District Raigarh.
2. The Counsel for the petitioner, at the outset, submits that the present place of posting of the petitioner has been shifted within a short span of just 5 months time and that the impugned order has been passed only to accommodate the Respondent No. 4.

3. The Counsel for the petitioner further submits that the Respondent No. 4's "home District" is "District Raigarh". It was for this reason when the Assembly Election was held in 2018, the petitioner was shifted from Raigarh to District Jashpur vide order dated 31.08.2018. Vide the same order, the petitioner was transferred from the Office of Assistant Director Tribal Welfare Department Raigarh to Janpad Panchayat Dharamjaigarh.
4. It is further contended, that within a span of less than 5 months, the respondent No. 4 has been able to manage of getting transferred back at Dharamjaigarh District Raigarh.
5. Further grievance of the petitioner is that the order is contrary to the guidelines frame by the State Government which clearly states that an employee / Officer should not be posted at the home district particularly during the election period. Moreover, the petitioner, at present, has been again transferred in less than 5 month .
6. Given the aforesaid facts of the case, let the petitioner make a detail representation to the respondent No. 1 within a period of 7 days from today and the respondent No 1, in turn, shall consider the grievances that the petitioner would pray in the representation, and take an appropriate decision within a period of 45 days from the date of receipt of copy of this order.
7. It is further ordered that till the representation of the petitioner is decided, the respondents are directed to maintain the status quo as it exist today so far as the posting of the petitioner and the respondent No. 4 is concerned.

8. Needless to mention that while deciding the representation of the petitioner, the respondent No. 1 shall if required grant an opportunity of hearing to the petitioner as well as the respondent No. 4.
9. With the aforesaid observations, the writ petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)  
JUDGE