

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5862 OF 2019**

M.L. Gajendra, S/o Shri Tularam Gajendra, aged about 56 years, working as Assistant Grade-2 at Janpad Panchayat, Pithora, District Mahasamund (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (CG)
2. Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (CG)
3. Chief Executive Officer, Janpad Panchayat, Pithora, District Mahasamund (CG)
4. Chief Executive Officer, Janpad Panchayat, Mahasamund, District Mahasamund (CG)

... Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate.
For Respondents	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/08/2019**

1. Challenge in the present writ petition is to the order of attachment, dated 16.7.2019 (Annexure P-1), whereby the petitioner stands attached from Janpad Panchayat, Pithoura to Janpad Panchayat, Mahasamund, District Mahasamund,
2. The impugned order has been issued by respondent no.2.
3. The ground of challenge is that, firstly, the respondent no.2 is not the competent authority to attach the services of the petitioner. Secondly, the order is bad for the reason that as of now there is a total ban on attachment of an employee from one place to another place. Thirdly, the transfer/attachment could have been made only with the consent obtained from the two Janpad Panchayats, that is, the Janpad Panchayat under whom the employee is working and the Janpad Panchayat where the employee is to be posted.

4. Given the aforesaid grounds that the petitioner has, let the petitioner make a detailed representation in this regard supported with all relevant documents to respondent no.2 who in turn shall consider the grounds/objections that the petitioner has raised with the department and decide the same within a period of 30 days from the date of receipt of the representation.

5. The petitioner shall make representation within a period of seven days from the date of receipt of copy of this order.

6. Meanwhile the effect and operation of the impugned order dated 16.7.2019 (Annexure P-1) shall remain stayed and the petitioner would be permitted to continue at Janpad Panchayat, Pithoura.

7. The writ petition stands disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge

/sharad/