

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5790 of 2019

Dwarika Nishad S/o Late Shri Dayaram Nishad Aged About 44 Years
Occupation Service, Posted As Secretary Of Gram Panchayat Dumarपाली
Janpad Panchayat Mahasamund, Civil And Revenue District Mahasamund,
Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Panchayat And Rural Development, Department Mantralaya Mahanadi Bhawan, Capital Complex New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Chief Executive Officer, District Panchayat Mahasamund, District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/08/2019

1. The present writ petition has been filed challenging the order of transfer dated 19.07.2019 (Annexure P/1), whereby the petitioner has been transferred from Gram Panchayat Dumarपाली, Janpad Panchayat Mahasamund to Janpad Panchayat Saraipali.
2. The contention of the petitioner is on two folds, firstly the petitioner is person under the protected category as he is the office bearer of one of the Association/Trade Union and secondly the petitioner has been transferred from one Janpad Panchayat to another Janpad Panchayat without the consent of both the Janpad Panchayats and this is in total contravention of the Rule 27 of the **Chhattisgarh Panchayat Service (Recruitment and General Conditions of Service) Rules, 1999**.

3. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation to the respondent No.2 within a period of 10 days from the date of receipt of the copy of this order and the respondent No.2 in turn shall consider and decide the same in accordance with the provisions of the Rules of 1999 and also taking into consideration the status of the petitioner and the transfer policy of the State Government.
4. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved