

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5852 of 2019

Narayan Sahu S/o Shri Geluram Sahu, Aged About 48 Years, Occupation- Service, Posted As Secretary Of Gram Panchayat Kampa, Janpad Panchayat Mahasamund, Civil And Revenue 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
2. Chief Executive Officer, District Panchayat Mahasamund, District – Mahasamund, Chhattisgarh

---Respondents

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

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

07/08/2019

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 Kampa, Janpad Panchayat Mahasamund to Janpad Panchayat Saraipali.
2. The contention of the petitioner is on two folds. Firstly the petitioner is being transferred under the protected category as he is an office bearer of one of the Association/Trade Unions. Secondly the petitioner cannot be transferred from one Janpad Panchayat to another Janpad Panchayat which is in total contravention of the Rule 27 of the Chhattisgarh Panchayat Service

(Recruitment and General Conditions of Service) Rules, 1999 without consent of both the Janpad Panchayats.

3. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation to the respondent authorities 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 the transfer policy of the State Government and also taking into consideration the status of the petitioner.
4. With the aforesaid observations, the present writ petition stands disposed off.

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

Khatai