

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5909 of 2019**

Dayalu Ram Dhruv S/o Late Shri Nammu Singh Dhruv, Aged About 44 Years, Occupation Service, Posted As Secretary Of Gram Panchayat Badgaon, 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
3. Shiv Kumar Patel, Occupation Service, Posted As Secretary Of Gram Panchayat Banskunda, Janpad Panchayat Mahasamund, Civil And Revenue District Mahasamund Chhattisgarh

**---- Respondents**


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|----------------|---|-------------------------------------|
| For Petitioner | : | Mr. Sumit Shrivastava, Advocate     |
| For State      | : | Mr. Chandresh Shrivastava, Dy. A.G. |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****07.08.2019**

1. The challenge in the present writ petition is to the order of transfer dated 19.07.2019 passed by the respondents transferring the petitioner from Gram Panchayat Badgaon, Janpad Panchayat Mahasamund to Gram Panchayat Bemcha, Janpad Panchayat Mahasamund.

2. The challenge to the transfer order is on the ground that the impugned order reflects the transfer of the petitioner to have been made at the request of the petitioner.
3. According to counsel for the petitioner, the petitioner has never moved any application nor has requested for any order of transfer, yet the authorities have shown the order of transfer to have been on its own cost.
4. Given the limited grievance that the petitioner has raised challenging the order of transfer, this Court is of the opinion that subject to verification of the fact that whether the petitioner has made a request for transfer, the impugned order so far as the petitioner is concerned, shall not be given effect to. However, on verification if it is found that the petitioner has in fact made a request, then the impugned order would not stand interfered and the respondents would be at liberty to relieve the petitioner from the present place of posting. Meanwhile, till the verification is done, the effect and operation of the impugned order, so far as the petitioner is concerned, shall not be given effect to.
5. The present Writ Petition, accordingly stands disposed off.

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