

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 473 of 2019**

(Arising out of order dated 14.08.2019 passed by the learned Single Judge in WPS No. 6050 of 2019)

1. Manoj Kumar Sidar Sukhsingh Sidar Aged About 39 Years R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.
2. Kailash Chandra Sidar S/o Premsay Sidar Aged About 40 Years R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.
3. Dashrath Pareshwar S/o Kunjram Pareshwar Aged About 50 Years R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.
4. Pyarilal Sidar S/o Ganpat Sidar Aged About 65 Years R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.
5. Malik Ram Kashyap S/o Nohar Singh Kashyap Aged About 60 Years (Up-Sarpanch Village Panchayat Kayatpali), R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.
6. Jyoti Barik S/o Balmiko Barik Aged About 52 Years R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.
7. Tejram Sidar S/o Parsuram Sidar Aged About 40 Years R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.
8. Gunmani Pareshwar S/o Chamra Pareshwar Aged About 43 Years (Panch Of Village Panchayat Kayatpali), R/o Village Kayatpali, Post Ankori, Police Station And Tahsil Basna, District Mahasamund, Chhattisgarh.

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Director Panchayat Directorate, Indirawati Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
3. Collector Mahasamund, District Mahasamund, Chhattisgarh.
4. Sub-Divisional Officer (Revenue) Saraipali, Mahasamund, District Mahasamund, Chhattisgarh.

5. Chief Executive Officer Zila Panchayat, Mahasamund, District Mahasamund, Chhattisgarh.
6. Ramakant Dadsena Presently Posted As Secretary Of Gram Panchayat Salhejhariya, Gram Panchayat Kayatpali, Basna, District Mahasamund, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Punit Ruparel, Advocate
For Respondent-State	:	Shri Sudeep Verma, Deputy Govt. Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per P.R. Ramachandra Menon, Chief Justice.

16/10/2019

1. The Appellants are the writ petitioners. The prayers in the writ petition are in the following terms :

“10.1. This Hon'ble Court may kindly be pleased to quash the transfer of the respondent no. 6 to the Gram Panchayat Salhejhariya, Janpad Panchayat, Basna to Gram Panchayat Kayatpali, Basna, District Mahasamund (C.G.) by the impugned order dated 12.07.2019 (Annexure P-1)

10.2. This Hon'ble Court may kindly be pleased to direct the respondent authorities to appoint any other person as Secretary (who is competent) to the village Panchayat, Kayatpali, Basna, District Mahasamund (C.G.)

10.3. This Hon'ble Court may kindly be pleased to direct the respondent authorities to decide the pending representations / objections of the petitioners (Annexure P/2)

10.4. This Hon'ble Court may kindly be pleased to grant any other relief(s) / writ(s) / order(s) in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioners.”

2. On going by the pleadings and proceedings, it is seen that the Appellants/writ petitioners are villagers of the village Kayatpali, who are stated as aggrieved of the deeds and misdeeds of the 6th Respondent herein, who came to be transferred from the village Kayatpali to some other

place as per Annexure P/1 order dated 12.07.2019. The learned Single Judge observed that there was no locus for the Petitioners/villagers to have approached the Court challenging the transfer of the 6th Respondent, so far as they were not affected adversely, in any manner. It was accordingly, that the interference was declined and the writ petition was dismissed, which made the Appellants to approach this Court. Despite the elaborate hearing, the Appellants were not in a position to point out any provision of law or binding precedents so as to provide them 'locus' to challenge the order passed by the learned Single Judge. Further, no public interest litigation will lie, in a service matter, by virtue of settled position of law and binding precedents.

3. The appeal fails. It is dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge