

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8870 of 2019

Ishwari Prasad Kashyap, S/o. Late Shri Chhabi Ram Kashyap, Aged About 52 Years, Presently Working As Panchayat Secretary, R/o. Village - Masani, Post Office Kotari, Tahsil Lormi, Civil And Revenue District Mungeli, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Chief Executive Officer, Jila Panchayat, Mungeli, District Mungeli Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Lormi, District Mungeli Chhattisgarh.
4. Smt. Himanshu Pande, Panchayat Secretary, Harnachaka, Janpad Panchayat Mungeli, District Mungeli, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Devesh G. Kela, Advocate
For State	:	Mr. Priyank Rathi, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.10.2019

Heard

1. Challenge in this petition is to the order dated 07.08.2019 (Annexure P-9) whereby the petitioner working as Panchayat Secretary has been transferred from Gram Panchayat Mohtarakurmi to Gram Panchayat Dhobghatti.
2. It is contended that the petitioner was earlier transferred on 08.03.2019 which was subject of challenge in WPS No.2411 of 2019, however, this Court by order dated 03.04.2019 (Annexure P-7) has dismissed the petition,

which was subject of appeal before the Division Bench in WA No.260 of 2019 and the Division bench too dismissed the appeal of the petitioner on 14.05.2019 (Annexure P-8).

3. It is stated that again the petitioner has been transferred for the reason that he had filed the petition before this Court. The argument of the petitioner appears to be sound, however, while it is enquired as to how much the distance in between Mohtarakurmi to Dhobghatti, the State counsel disclosed that the distance is only 30 km. Consequently, taking into fact primarily the distance is 30 km from the place of posting, the same cannot be termed to be malafide, as the petitioner has not been placed outside the District Mungeli. It is Janpad Panchayat Mungeli, which had different Blocks and it appears that the petitioner has been placed from one office to another, which cannot be said to be transfer. Considering the same, I do not find any malafide in the order or any violation of law, which warrants interference.
4. The petition has no merit and accordingly it is dismissed.

Sd/-
Goutam Bhaduri
Judge