

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9385 of 2019

Smt. Shanti Bajpai W/o Shri K. K. Bajpai Aged About 61 Years R/o
D. N. K. Ward, Qr No. G - 12, Near B.R.C. Kondagaon District
Kondagaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Director, Urban Administration And Development, Director, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Collector Kondagaon District - Kondagaon Chhattisgarh.

----Respondents

For petitioner – Shri Arvind Dubey, Advocate.
For State- Smt. Deepti Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/11/2019

1. Grievance of the petitioner is that the petitioner who is Chief Municipal Officer working at Farasgaon has been attached by the order of the Collector dated 8/11/2019 to the District City Development Authority, Kondagaon. It is stated that the petitioner is only left with four months of service and as per the direction of the State the Collector do not have any power to transfer or post person who belong to the cadre of municipality and the State Government would be the authority to transfer them.
2. Learned State counsel opposes the argument.
3. Perusal of the record would show that on 8/03/2019 in the earlier round of litigation in W.P.S. No.1442/2019 transfer order of the petitioner was stayed on the ground that 11 months are left for retirement. Earlier the petitioner was transferred from Municipal Office at Nagar Panchayat, Farasgaon to Municipal Council at Pakhanjur. The said transfer order was cancelled by Annexure P-5 on 1st June, 2019. Subsequently, this

attachment order has been passed on 8/11/2019 whereby the petitioner is transferred from Farasgaon to District City Development Authority, Kondagaon. The perusal of the document dated 22nd December, 2015 Annexure P-6 filed by the petitioner would show that in respect of the person who belong to the cadre of the municipality the Collector is denuded of the power to transfer them or place them under any attachment. Under the circumstances, further taking into fact that earlier circumstance exist today also, the petitioner is said to have been left with only four months for his retirement, attachment order dated 8/11/2019 (Annexure P-1) is hereby quashed.

4. Accordingly, the petition stands allowed.

Sd/-

(Goutam Bhaduri)

JUDGE