

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10087 of 2019**

- Vinod Kumar Chandravanshi, S/o Shri Ram Kumar Chandravanshi, Aged About 42 Years R/o Village Birkona, Police Station Piperiya, Kabirdham District- Kabirdham, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Nawa Raipur Atal Nagar Raipur, District- Raipur, Chhattisgarh.
2. Nagar Panchayat Through The Chief Municipal Officer District- Kabirdham, Chhattisgarh.
3. Government Boys Higher Secondary School Through The Principal, Pipariya, District- Kabirdham, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate
For Respondents/ State	:	Ms. Binu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/12/2019**

Heard.

1. It is contended that the petitioner was initially appointed at Nagar Panchayat, Pipariya Sikhshakarmi Grade- I in the year 2011. Subsequently, he was regularized in the year 2014 and is a employee of Nagar Panchayat Pipariya, District Kabirdham by order dated 19.11.2019. He has been transferred to Nagar Panchayat Pratapur, District Surajpur by the State

government.

2. It is contended that the State government is not vested with the power to transfer the petitioner as his services has not been absorbed in the State. He further contends that the transfer has been made during the ban period. He further placed his reliance in WPS No. 1273 of 2016 decided on 23.12.2016 wherein it has been held that employee of Jila Panchayat cannot be transferred from one Jila Panchayat to another.
3. Learned State counsel opposes the same.
4. Considering the fact that the petitioner was appointed by the Nagar Panchayat Pipariya, District Kabirdham (Annexure P-2) and was regularized in the year 2014 in Nagar Panchayat Pipariya, District Kabirdham. Further considering the ratio laid down in WPS NO. 1273 of 2016 the petitioner is given liberty to file a representation to Grievance Redressal Committee within a period of 15 days from today. The same having been filed shall be decided within a period of 45 days from the date of receipt of a copy of this order. Till the representation is decided, the effect and operation of the transfer order shall remain stayed so far as the Petitioner is concerned.
5. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti