

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10542 of 2019

Set Kumar Lahare S/o. Shri Dhiraj Kumar Lahare Aged About 41 Years
Occupation- Service, Posted As Secretary of Gram Panchayat Kilkila,
Janpad Panchayat Patthalgaon, Civil and Revenue District- Jashpur,
Chhattisgarh. **--- Petitioner**

Versus

1. The 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 Jashpur District- Jashpur, Chhattisgarh.
3. Shri Vot Say Sidar Occupation- Service, Posted As Secretary Of Gram Panchayat Tarekela, Janpad Panchayat Patthalgaon, Civil and Revenue District- Jashpur, Chhattisgarh. **--- Respondents**

For the Petitioner : Mr. Sumit Shrivastava, Advocate

For the State/Respondents : Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-12-2019

1. The grievance of the petitioner is that pursuant to the order of transfer dated 19.8.2019 the petitioner joined as Secretary and assumed the charges at Kilkila on 21.08.2019. Subsequently the said transfer order was modified by the C.E.O/Respondent No.2 by impugned order dated 11.11.2019 and he has been posted to Gram Panchayat Tarekela, Janpad Panchayat Patthalgaon.
2. it is contended that such transfer can only made with mutual consent/agreement of both the Panchayats as per Rule 27 of the Panchayat Recruitment (General Condition of Service) Rules 1999. It is further stated that once the petitioner has taken the charge of a particular post, then in such a case, he cannot be transferred to other place within a short span of

time.

3. Per contra, learned State counsel would submit that the distance between the earlier place of posting i.e., Kilkila and the present place of posting i.e., Tarekela is 27 Kms and both are situated in Pathalgaon in one district. He further submits that in sub-rule (2) of Rule 27 of Rules 1999, the following words were added :

“Provided that in the public interest the Chief Executive Officer of the concerned Zila Panchayat may transfer any employee from one Janpad Panchayat to another Janpad Panchayat within the district and in case of such transfer, the seniority of the transferred employee shall not be affected :

Provided further that in the public interest the Commissioner cum Director, Panchayat may transfer any employee of Panchayat Services, working with the Zila Panchayat, from one Zila Panchayat to another Zila Panchayat in the state and in case of such transfer, the seniority of the transferred employee shall not be affected.”

4. Taking into consideration such fact that the placement of the petitioner has been made from one Gram Panchayat to other Gram Panchayat within one District which is permissible under Sub-rule 2 of Rule 27 and since no substantial prejudice has been caused if the transfer has been caused within one district at a distance of 27 Kms. I do not find any reason to interfere in the petition. Accordingly, this writ petition is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**