

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10552 of 2019

- Dilip Rathore S/o Late Shri Baharta Ram Rathore Aged About 50 Years Presently Posted As Panchayat Secretary, Gram Panchayat Khoksa, R/o Mukam Post Shivni, (Naila) Tahsil And District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. Chief Executive Officer Jila Panchayat, Janjgir Champa, District Janjgir Champa Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Janpad Nawagarh, Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Ms. Naushina Afrin Ali, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/12/2019

Heard.

1. The grievance of the petitioner is that the petitioner was transferred from Gram Panchayat, Khoksa to Gram Panchayat, Mehnda. It is contended that the petitioner being a Gram Panchayat Secretary as per the policy of the State he can be transferred only on following conditions:-
 1. Transfer on administrative ground.
 2. Transfer on own request.
 3. Transfer on the basis of complaint.

As per Annexure P-3 dated 05.08.2019. However, in this case the petitioner has been transferred without their being any administrative exigency. It is

further contended that the petitioner has made certain complaint against the Sarpanch, Gram Panchyat, therefore, to counter the action, the petitioner has been transferred. Under such background, the prayer is made by the petitioner that a liberty be given to make a representation to CEO, Jila Panchayat Janjgir Champa and till then the transfer may not be given effect to.

2. Learned State counsel opposes the same and submit that the transfer order itself shows that the transfer is made in between the same district at very short distance.
3. Perusal of the documents would show that the order of transfer which is under challenge would show that primary it has been made on administrative ground and the transfer made is in the same district. Further, transfer being incident of service, unless and until it is malafide or illegal on the face of it, the transfer do not call for any interference, however, since the petitioner prays for representation to be decided. The petitioner shall be at liberty to make a representation to the CEO Janjgir Champa within 3 weeks from today. The same having been filed shall be decided within 45 days from the date of receipt of a copy of this order. The transfer made is in same district. I do not find any reason to stay the effect and operation of the same.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge