

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1738 of 2014**

- Balbodhi Maravi S/o Shri Banshiram Aged About 44 Years Working As Panchayat Secretary, Gram Panchayat Odari, Janpad Panchayat Wadrafnagar, Ps Basantpur, Distt Balrampur- Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat Department, Mantralaya, New Raipur, Ps Rakhi, Distt Raipur, Chhattisgarh
2. Zila Panchayat, Through The Chief Executive Officer, Zila Panchayat, Distt Balrampur- Ramanujganj, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat Wadrafnagar, Distt Balrampur- Ramanujganj, Chhattisgarh
4. Sharda Patel Posted As Panchayat Secretary, Pansara, Janapad Panchayat Wadrafnagar, Distt Balrampur- Ramanujganj, Chhattisgarh
5. The Collector Distt Balrampur- Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Shri D.N. Prajapati, Advocate
For Respondents/State	:	Shri Neeraj Pradhan, PL
For Respondents No. 3	:	Shri Harsh Wardhan, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****25/02/2020**

Heard.

1. In the present petition challenge is to the order dated 24.02.2014 (Annexure P-1) whereby the petitioner has been transferred from Gram Panchayat Odari to Office of Janpad Panchayat Wadrafnagar.
2. Learned counsel for the petitioner would submit that the order has been issued by the Chief Executive Officer, Janpad Panchayat, Wadrafnagar whereas the appointing authority of the petitioner is the Collector. He would further submit that under Rule 27 of Chhattisgarh Panchayat Service

(Recruitment and General Conditions of services) Rules, 1999 (for short Rules of 1999) CEO Janpad Panchayat does not have any power to transfer the petitioner who is a Panchayat Secretary. He further refers to the order dated 30.09.2013 passed in WPS No. 2558 of 2013 wherein it was observed by the Coordinate Bench of this Court that CEO of Janpad Panchayat do not have jurisdiction to transfer a Panchayat Secretary from one Gram Panchayat to another.

3. Learned counsel for respondent No. 3 opposes the arguments and submits that the petitioner was only in-charge Secretary and he was temporarily posted at Janpad Panchayat Wadrafnagar.
4. Perusal of records shows that the petitioner was shown as Secretary Gram Panchayat and Rule 27 of the Rules of 1999 gives the power to transfer or appointment a Panchayat employee to same or equivalent post in the Panchayat service. Under Section 69 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 the power is vested with State Government or the prescribed authority to appoint the Secretary for a Gram Panchayat. Therefore, by reading of Rule 27 along with Section 69 of the Chhattisgarh Panchayat Raj Adhiniyam nothing is on record to show that CEO Janpad Panchayat had the power to transfer the Secretary of the Gram Panchayat. Consequently, as order passed in WPS No. 2558 of 2013 by Coordinate Bench of this Court, I am also of the opinion that the CEO of Janpad Panchayat do not have the power to transfer the petitioner who is a Secretary to other Janpad Panchayat. Consequently, Annexure P-1 dated 24.02.2014 is quashed. Further, the impugned order is also of the year 2014 and considerable time has passed therefore the State government would be at liberty to pass appropriate orders as it deem fit if not passed earlier.
5. With the aforesaid observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge