

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2205 of 2020

Vyasmuni Yadav S/o Shri Balmukund Yadav Aged About 45 Years
Resident Of Village Mahnai, Post Sulesa, Police Station
Pandrapath, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh.
2. The Collector Jashpur, District Jashpur, Chhattisgarh.
3. The Chief Executive Officer, Zila Panchayat, Jashpur, District Jashpur, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Bagicha, District Jashpur, Chhattisgarh.

---Respondents

For petitioner – Shri J.K. Saxena, Advocate.
For State-Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/06/2020

Heard.

1. Learned counsel for the petitioner submits that the petitioner who is Panchayat Secretary is working at Pandrapath he has been transferred by the Chief Executive Officer, Janpad Panchayat, Bagicha to Sulesa by order dated 19/03/2020 (Annexure P-1) whereas as per transfer policy class-III-IV employees can be transferred with the recommendation of the Minister by the Collector alone, therefore transfer order dated 19/03/2020 (Annexure P-1) passed by the Chief Executive Officer, Janpad Panchayat, Bagicha is without jurisdiction. Learned counsel submits that the appointing authority is the Zila Panchayat, therefore Chief Executive Officer, Janpad Panchayat cannot pass the order of transfer. Learned counsel submits that order impugned Annexure P-1 dated 19/03/2020 is only ministerial order which is on the recommendation of the Chief Executive Officer, Zila Panchayat, Jashpur dated 17/03/2020, therefore

the order is only a communication.

2. Perusal of order dated 19/03/2020 would show that it is passed on the recommendation of the Chief Executive Officer, Zila Panchayat, Jashpur dated 17/03/2020. Said order is not under challenge before this court. Order Annexure P-1 dated 19/03/2020 is only compliance order which appears to have been issued pursuant to the order issued by the Chief Executive Officer, Zila Panchayat, Jashpur dated 17/03/2020. During the course of submission it is stated that Pandrapath to Sulesa is 25 kms away. Taking into such fact, the entirety of the subject and the order dated 17/03/2020 is also not under challenge which is basic order, I do not find any merit in this case.

3. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE