

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3143 of 2020**

- Neera Prasad Yadav S/o Shri Parmanand Yadav Aged About 48 Years Working As Panchayat Secretary, Gram Panchayat, Laxmipur, Janpad Panchayat, Dharamjaigarh, District- Raigarh, (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District- Raipur, (C.G.)
2. The Collector Raigarh, District- Raigarh, (C.G.)
3. The Chief Executive Officer Zila Panchayat, Raigarh, District- Raigarh, (C.G.)
4. The Chief Executive Officer Janpad Panchayat, Dharamjaigarh, District- Raigarh, (C.G.)
5. Gendram Sahu Working As Panchayat Secretary, Through Chief Executive Officer, Janpad Panchaya, Dharamjaigarh, District- Raigarh, (C.G.)

---- Respondents

For Petitioner	:	Mr. Ajeet Kumar Yadav, Advocate
For State	:	Mr. Amrito Das, Add. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13/08/2020**

1. Heard
2. The present writ petition is filed by the petitioner against the orders dated 22.07.2020, 23.07.2020 and 30.07.2020 (Annexure P/1) whereby the petitioner challenges his order of transfer from Gram Panchayat Laxmipur to Gram Panchayat Dhaurabhata. Learned counsel for the petitioner submits that there is a multiple transfer affected, as on 22.07.2020 the petitioner was transferred to

Dhaurabhata and thereafter on 30.07.2020, in order to adjust one Gend Ram Sahu who was being posted after his suspension was revoked, the impugned order has been passed. He further submits that as on date according to the State Policy dated 27.05.2020 (Annexure P/6), there has been a ban in operating over the transfer and Gend Ram Sahu who was on suspension is being posted after revocation of his suspension in the place of the transfer though the other posts of the Secretary of the like-nature at other places are vacant. It is also submitted that since there is no complaint pending against the petitioner, therefore the petitioner should not have been transferred during this period.

3. Learned State counsel, on the other hand, submits that the petitioner is an employee of a Panchayat and the guideline which has been issued would not be applicable to the petitioner. It is also contended that the petitioner is working as a Panchayat Secretary in Laxmipur since 2011 and the place of transfer of the petitioner i.e. Dhaurabhata is only 30 km away from Laxmipur, therefore, no substantial prejudice is being caused.
4. Perused the documents.
5. Though the petitioner has projected that multiple orders of transfer has been caused within a month but reading of the order would show that the primary transfer of the petitioner from Laxmipur to Dhaurabhata is one despite the fact that different orders exist. But for transfer, it appears that one Gend Lal Sahu, whose earlier suspension was revoked, was appointed at Laxmipur which was done by the Janpad Panchayat that was not properly worded

therefore subsequent verifications were made, however the transfer of the petitioner from Laxmipur to Dhaurabhata remained as it is. It is not disputed that the petitioner is working at that place since 2011 so considerable time has passed and further taking into the fact that the place of transfer of the petitioner is 30 kms away, therefore, no substantial prejudice appears to have been caused.

6. It is a well settled law that the transfer of a Government Servant appointed to a particular cadre of transferable post from one place to the another is an incident of service, which cannot lightly be interfered with by Courts unless it is shown to be clearly arbitrary or visited by mala-fide or infraction of any prescribed norms of principles governing the policy of transfer. No Government servant or employee of Public undertaking has legal right for being posted at any particular place.
7. In view of the above settled legal position, I am not inclined to interfere with the impugned transfer order. Accordingly, this writ petition stands dismissed.

Sd/-
(Goutam Bhaduri)
Judge