

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5793 of 2016**

K.P. Patel, Aged about 48 years, S/o Late Shri Tejram Patel, R/o Village Telipali, Post Loharsing, P.S. and Tahsil Pusour, Distt. Raigarh, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through the Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, Distt. Raipur, Chhattisgarh.
- 2.Chief Executive Officer, Zila Panchayat Raigarh, Distt. Raigarh, Chhattisgarh.
- 3.Chief Executive Officer, Janpad Panchayat Raigarh, Distt. Raigarh, Chhattisgarh.
- 4.Chief Executive Officer, Zila Panchayat kondagaon, Distt. Kondagaon, Chhattisgarh.
- 5.Chief Executive Officer, Janpad Panchayat, Baderajpur, Distt. Kondagaon, Chhattisgarh.
- 6.Shri S.S. Sidar S/o Not Known to the petitioner, Aged about 50 years, Occupation Assistant Grade II, Janpad Panchayat Raigarh, Distt. Raigarh, Chhattisgarh.

--- Respondents

For Petitioner :- Mr. Neeraj Pradhan, Advocate

For Respondent 1/State :- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Through Video Conferencing)

10/06/2021

1. Mr. Neeraj Pradhan, learned counsel for the petitioner, would submit that petitioner is working on the post of 'Assistant Grade III' and he is entitled to be promoted on the post of 'Assistant Grade II' in accordance with Chhattisgarh Panchayat Service (Recruitment & General Condition of Services) Rules, 1999, but while waiting for his case to be considered for promotion, respondent No. 6 has been transferred on the post of 'Assistant Grade II' vide impugned order dated 16/07/2014 (Annexure P-1) which is impermissible in view of Rule 27(ii) of the Rules of 1999, as such, the transfer of respondent No. 6 on the post of 'Assistant Grade II' deserves to be quashed.

2. Mr. Animesh Tiwari, learned Deputy Advocate General appearing on behalf of respondent No. 1/State, would support the impugned order.

3. None appeared on behalf of respondent No. 6 though served.

4. I have heard learned counsel for the parties at length and perused the record.

5. True it is that respondent No. 6 has been transferred by the competent authority at Janpad Panchayat, Raigarh on the post of 'Assistant Grade II', but the said post of 'Assistant Grade II' is a promotional post and as per rules, it has to be filled up 100% by way of promotion.

6. Be that as it may, petitioner is at liberty to file a representation before respondents No. 1 and 2 highlighting his grievance within 30 days from today and that will be considered by respondents No. 1 and 2 strictly in accordance with law within 60 days from the date of receipt of a copy of this order.

7. With the aforesaid liberty reserved in favour of the petition, the instant writ petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet