

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No.58 of 2021**

Smt. Rupanti Bai W/o. Radhe Ram Sai, Aged about 29 years, Sarpanch of Gram Panchayat Matasi, R/o.Village -Matasi, Janpad Panchayat Kunkuri, Distt. Jashpur, (CG).

---- Appellant/Intervener**Versus**

1. State of Chhattisgarh, Through The Secretary, Panchayat & Rural Development Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Distt -Raipur, (CG).
2. Chief Executive Officer, Distt- Panchayat Jashpur, Distt -Jashpur, (CG).
3. Deputy Director Panchayat, Jashpur, Distt- Jashpur, (CG).
4. Chief Executive Officer, Janpad Panchayat Kunkuri, Distt -Jashpur, (CG).
5. Duryodhan Ram Yadav S/o. Shri Sudro Ram, Aged about 49 years, Occupation -Service, Posted as Secretary of Gram Panchayat Matasi, Janpad Panchayat Kunkuri, Civil & Revenue Distt-Jashpur, (CG).

--- Respondent

For Appellant/Intervener	: Mr. Govind Dewangan, Advocate.
For Respondent/State	: Mr. Ashish Tiwari, Government Advocate.
For Respondent No.5	: Mr. Sumit Shrivastava, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, CJ**Hon'ble Shri Parth Prateem Sahu, J****Order On Board****Per Parth Prateem Sahu, J****25/02/2021**

1. Appellant, who was intervener in writ petition, has filed this appeal feeling aggrieved by observation made by learned Single Judge in Para No.4 of the impugned order dated 12.01.2021.
2. Shri Govind Dewangan, learned counsel for the appellant submits that learned Single Judge in a challenge to the transfer made by respondent No.5, has made certain observations and directions in Para No.4 of the impugned order affecting the interest of appellant herein, although there was no such prayer in writ petition filed by petitioner/respondent No.5. Hence, said portion of the impugned order is unwarranted and liable to be interdicted.

3. Shri Ashish Tiwari, learned State counsel submits that as per the direction issued by learned Single Judge, appropriate action will be taken in compliance of impugned order within the time frame.
4. Shri Sumit Shrivastava, learned counsel for respondent No.5 supports the impugned order.
5. We have heard learned counsel for the respective parties and also perused copy of writ petition and pleadings made therein.
6. On going through the pleadings made in writ petition, it reveals that challenge therein is with regard to transfer order passed against respondent No.5 on 30.12.2020 and in the writ petition he has only mentioned about working and functioning of village panchayat.
7. Taking into consideration nature of pleadings and relief sought for in writ petition by petitioner/respondent No.5 herein, we find it appropriate to modify the observation made in Para No.4 and direct the concerned authorities to inquire into grievance raised by petitioner/respondent No.5 as well as appellant-Intervener and to pass appropriate order with regard to order of transfer under challenge in accordance with law. However, we uphold the observation made by learned Single Judge in Para No.5 of the impugned order.
8. In view of above, writ appeal stands disposed off.

Sd/-

(P.R. Ramamchandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-