

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1104 of 2021**

1. Smt. Kunti Awale W/o Late Shri Dinesh Awale Aged About 32 Years R/o Village Lakhagarh, Tahsil Pithoura, District Mahasamund (Chhattisgarh)

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Panchayat And Rural Department, Mahanadi Bhawan, Nawa Raipur, District Raipur (Chhattisgarh)
2. Director Panchayat Indrawati Bhawan, Nawa Raipur (Chhattisgarh)
3. Chief Executive Officer Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh)
4. Chief Executive Officer Janpad Panchayat, Pithoura, District Mahasamund (Chhattisgarh)
5. Chief Executive Officer Janpad Panchayat, Mahasamund, District Mahasamund (Chhattisgarh)
6. Gram Panchayat Laxmipur, Tahsil Pithoura, District Mahasamund (Chhattisgarh)
7. Murlidhar Sao Panchayat Secretary, Gram Panchayat, Sinoudha, Tahsil Mahasamund, District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Rajnish Singh Baghel, Advocate
For State	:	Smt. Hamida Siddiqui, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.02.2021**

1. The grievance of the petitioner in the present writ petition is to the impugned order Annexure P/1 dated 05.02.2021.
2. Vide the said impugned order, the respondent No. 7 who was working

as a Panchayat Secretary at Gram Panchayat, Sinoudha, Janpad Panchayat Mahasamund has been posted to Gram Panchayat, Laxmipur, under Janpad Panchayat Pithoura.

3. The contention of the petitioner is that petitioner is the Panchayat Secretary at Laxmipur and vide the order (Annexure P/1) since the respondent No. 7 is posted at Laxmipur, there is a possible threat of the petitioner getting replaced without there being any order of posting or change of place of posting of the petitioner and in the process, the petitioner's continuing on the post of Panchayat Secretary at Laxmipur would become questionable and there is a chance that the service condition of the petitioner may be adversely affected.
4. Learned counsel appearing for the State on the other hand referring to Annexure P/1 submits that it appears that the impugned order is one where the persons whose name reflect in Annexure P/1 are being sent at the new place of posting as Additional Panchayat Secretary and thereby the service conditions of the petitioner would not in any manner be adversely affected.
5. Considering the fact that the impugned order does not bare the name of the petitioner means the petitioner continues at the place where she is substantively posted as a Panchayat Secretary. Which in other word means even if the impugned order Annexure P/1 is implemented in its letter and spirit, the service condition of the petitioner should not have an adverse impact in any manner.
6. It can also be a case where as per the suggestion of the learned State Counsel, the additional arrangement which is being made by the State Authority for the smooth functioning of the Gram Panchayat.

7. The State Counsel has also expressed her doubt as regards the fact that the petitioner is substantively the Panchayat Secretary of Gram Panchayat Laxmipur or not. To which the Counsel for the petitioner submits that the petitioner has been posted as Gram Panchayat Secretary at Laxmipur in March 2018 and she has been working there since March 2018.
8. Be that as it may, considering the fact that there is a confusion as regards the status and posting of the petitioner in the light of the impugned order Annexure P/1 whereby the respondent No. 7 has been shown to have been posted as Panchayat Secretary at Gram Panchayat Laxmipur where the petitioner is already working, this Court is of the opinion that the writ petition itself can be disposed of at this juncture directing the respondent No. 3 who has passed the impugned order Annexure P/1 to consider this aspect, grievance and apprehension that the petitioner has and to take an appropriate decision at the earliest preferably within a period of 4 weeks from the date of receipt of copy of this order.
9. Till then, purely as an interim measure, it is ordered that the service condition of the petitioner so far as her place of posting as of now is concerned it would remain intact unless the impugned order Annexure P/1 stands revised, amended or modified by the respondent No. 3.

With the aforesaid observation, the writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge