

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.6748 of 2021

Chhattisgarh Panchayat Sachiv Sangh, District Surguja, C.G., through the President Anil Kumar Gupta, S/o Shri Prayag Gupta, aged about 43 years, Occupation Service, Posted as Secretary, Gram Panchayat Salka, Janpad Panchayat Lakhampur, District Surguja (C.G.)

---- Petitioner

Versus

1. State of C.G. through the Principal Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. The Collector, Surguja, District Surguja (C.G.)
3. The Chief Executive Officer, Ambikapur, Jila Panchayat Surguja, Ambikapur, District Surguja (C.G.)

---- Respondents

For Petitioner: Mr. Rakesh Pandey, Advocate.

For Respondents No.1 and 2 / State: -

Mr. Amrito Das, Additional Advocate General, on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/12/2021

1. The petitioner Association has called in question the transfer of 237 Gram Panchayat Secretaries (Annexure P-1) working in the State of Chhattisgarh branding the same as arbitrary, illegal and contrary to the transfer policy.
2. When the matter is taken-up for hearing, Mr. Amrito Das, learned Additional Advocate General appearing for the State / respondents No.1 and 2 on advance copy, would submit that the petitioner Association has no locus to challenge the transfer of those 237 transferred Gram Panchayat Secretaries as they have not consented for that and there is no authorisation for and on behalf of those

Panchayat Secretaries, therefore, the instant writ petition has to be dismissed as not maintainable. He would rely upon the decision of the Delhi High Court in the matter of PTI Employees Union v. Press Trust of India Ltd.¹ and the decision of this Court in the matter of Pradesh Lipik Varg Shaskeeya Karmachari Sangh v. State of Chhattisgarh and others² to buttress his submission, whereas, Mr. Rakesh Pandey, learned counsel appearing for the petitioner Association, would rely upon the decisions of the Supreme Court in the matters of Akhil Bharatiya Soshit Karamchari Sangh (Railway) Represented by its Assistant General Secretary on behalf of the Association v. Union of India and others³ and Confederation of Ex-Servicemen Association and others v. Union of India and others⁴ in support of his writ petition.

3. I have heard learned counsel for the parties and considered their submissions made herein-above and also went through the record with utmost circumspection.
4. True it is that the transfer order of 237 Gram Panchayat Secretaries is under challenge in this writ petition, but nowhere it is reflected in the writ petition that those 237 Gram Panchayat Secretaries are aggrieved against their order of transfer and they have not joined the transferred place and they wish to question the same. It is question of their transfer, it is purely and simply a service matter and if they are aggrieved against the order of transfer, they are at liberty to question the same in accordance with law.
5. This Court in Pradesh Lipik Varg Shaskeeya Karmachari Sangh (supra) has held as under: -

1 2020 SCC OnLine Del 1216

2 WPS No.3398/2020, decided on 3-11-2020

3 1981 (1) SCC 246

4 2006 (8) SCC 399

“5. Prima facie perusal of the documents would show that the promotion of the respondent No.4 is subject of challenge by the Union and the aggrieved person who is affected by such promotion is not before this Court. It is not a class litigation and the promotion of an individual i.e. of respondent No.4 cannot be termed as common cause litigation and the respondent No.4 he may also be a member of the Union cannot be driven to the corner at the behest of the Union when the concerned affected individual is not before the Court. The judgment relied on by the petitioner is completely on the different subject issue and inference cannot be drawn from that.”

6. The aforesaid principle squarely applies in the present case and in that view of the matter, the judgments relied upon by learned counsel for the petitioner namely, Akhil Bharatiya Soshit Karamchari Sangh (Railway) (supra) and Confederation of Ex-Servicemen Association (supra), both, are on different issue and inapplicable to the facts of the present case. Consequently, the writ petition, being devoid of merit, is liable to be and is hereby dismissed, *in limine*, without notice to the other side. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge