

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2728 of 2015

Satish Ramteke S/o Shri Bhagirathi Ramteke Aged About 46 years Assistant Grade-II At Janpad Panchayat Durgkondal, P.S. Durgkondal Tahsil Durgkondal, District North Bastar Kanker, Civil & Revenue District Kanker, (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, District Raipur, (Chhattisgarh)
2. The Collector District North Bastar Kanker, (Chhattisgarh)
3. Chief Executive Officer, District Panchayat North Bastar Kanker, District North Bastar Kanker, (Chhattisgarh)
4. Chief Executive Officer Janpad Panchayat Durgkondal, District North Bastar Kanker, (Chhattisgarh)
5. Bhuwneshwar Patnayak Assistant Grade-II At Janpad Panchayat Koylibeda, District North Bastar Kanker, (Chhattisgarh)

---- Respondents

For Petitioners : Shri JN Nande, Advocate.
For Respondent Nos. 1&2 : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

31/07/2015

1. The petitioner, by way of this petition, seeks to impugn the order dated 20.07.2015 (Annexure P/1) whereby he has been transferred from Janpad Panchayat, Durgukondal to Janpad Panchayat, Koylibeda.
2. Grievance of the petitioner is on two folds; firstly, the petitioner is shown to have been transferred on mutual arrangement whereas, he has never made any application for mutual transfer and secondly; the the order impugned

has been passed by an incompetent authority i.e. Collector. According to him, the person employed under the Janpad Panchayat can only be transferred by the order of Chief Executive Officer of the concerned Zila Panchayat.

3. Learned counsel appearing for the petitioner submits that on the question of competency of the Collector, two Writ Petitions being WP(S) Nos. 2675 of 2015 and 2693 of 2015 have been allowed by the co-ordinate Bench of this Court on 28.07.2015 and 29.07.2015 respectively, and therefore, this petition may also be allowed in that terms.
4. Learned counsel appearing for the State also affirms the above submission of petitioner that co-ordinate Bench of this court has allowed the above-referred two Writ Petitions with regard to competency of the authority.
5. In view of above submissions made by the parties, without going into the merits of the case, this petition is allowed in terms of orders passed in WP(S) Nos. 2675 of 2015 and 2693 of 2015. Impugned order dated 20.07.2015 is accordingly quashed so far as the case of petitioner is concerned.
6. However, the competent authority will be at liberty to pass appropriate orders if the administrative exigency still desires.
7. Accordingly, the Writ Petition stands allowed.

**Sd/-
(P. Sam Koshy)
Judge**