



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 2909/2024

Kera Ram S/o Shri Jai Karan, Aged About 47 Years, Resident Of
Village Lakhani, Tehsil Bagora, District Jalore, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Chief Executive Officer, Zila Parishad Jalore, District Jalore, Rajasthan.
3. The Block Development Officer, Panchayat Samiti Sarnau, District Sanchoore, Rajasthan.

-----Respondents

Alongwith connected matters

For Petitioner(s) :

Mr. J.S. Bhaleria, Mr. Mukesh Rajpurohit, Mr. Ramesh Kumar, Mr. Kuldeep Singh Solanki, Mr. Praveen Karwa, Mr. Manoj Kumar Pareek, Mr. Mahendra Vishnoi, Mr. Dheerendra Singh Sodha, Mr. Pawan Singh, Mr. Rakesh Matoria, Mr. Mahendra Singh Godara, Mr. Vijay Kumar, Mr. Vinod Jhajharia (through VC), Mr. Kaushal Sharma, Mr. Vikas Bijarnia, Mr. Jay Prakash, Mr. Mukesh Vyas, Mr. Jagatveer Singh, Mr. N.R. Budania, Mr. Govind Lal, Mr. Sachin Saraswat (through VC), Ms. Saroj Patel, Mr. Hemant Dutt, Mr. Ramawatar Singh, Mr. VLS Rajpurohit, Mr. Sushil Solanki, Mr. Sunil Beniwal, Mr. Hanuman Singh, Mr. Sunil Purohit, Mr. Awar Dan Ujjwal, Mr. D.S. Pidiyar, Mr. Shailendra Gwala, Mr. Shree Kant Verma, Mr. Narpal Singh Rajpurohit, Mr. Pritam Joshi, Mr. Sanjay Kumar Poonia, Mr. Jassa Ram, Mr. Sumer Singh Gour, Mr. Hemant Shrimali, Mr. M.R. Khatri, Mr. Vikram Singh Bhawla, Mr. Harshvardhan Singh Chundawat, Mr. Rishabh Tayal, Mr. P.R. Kumawat, Mr. K.L. Chouhan, Mr. O.P.. Sangwa, Mr. Bheru Lal Jat, Mr. Devendra Sanwalot, Mr. Hapu Ram, Mr. Kamlesh Choudhary, Mr. Tanwar Singh, Mr. Manish Dadhich, Mr. Sandeep Kalwaniya, Mr. Surendra Singh Choudhary, Mr. Chandraveer Singh, Mr. Shardul Singh, Mr. O.P. Kumawat, Mr. Jitendra Choudhary, Mr. Virendra Acharya, Mr. Ramesh Dewasi, Mr. Nikhil Bhandari, Mr. Harish Kumar Purohit.

For Respondent(s) :

Mr. Mahaveer Bishnoi, AAG, Mr. Gaurav Bishnoi, Mr. Lalit Pareek, Mr. Rajdeep Singh, Mr. Sanjay Nahar, Mr. H.S. Chundawat.

HON'BLE MR. JUSTICE ARUN MONGA

Judgment

30/04/2024¹

1. Under challenge before this Court in this bunch of petitions are transfer orders of panchayat officials of the rank of

¹(re-edited vide order dt. 31.05.2024, earlier order offloaded & uploaded again on 31.05.2024)

Village Development Officers/Assistant Administrative Officer/Gram Sewak/LDC/Junior Assistants/Junior Technical Assistant/Gram Vikas Adhikari serving in Rajasthan, *inter alia*, alleging gross violation of statutory provisions of Rajasthan Panchayati Raj Act, 1994 read with Rules framed there under (to be referred as the 'Act and the Rules, respectively).

2. Ordinarily, transfer of a government servant does not warrant any indulgence, same being integral part of service conditions and an essential incidence thereof. There is no gainsaying that transfer is neither a punishment nor a promotion. This Court, therefore, treads cautiously to interfere, since it arises out of routine administrative exigencies, unless it is a case of extreme hardship and/or patent violation of statutory right of an employee and/or colorable exercise of power to punitively treat an employee with oblique motive or proven malafides.

3. Adverting to the specifics of the case in hand. Before this Court are three categories of Panchayati Raj officials i.e. :-

- (I). where transfer orders have been passed by the State Government,
- (II). where transfer orders have been passed by the Chief Executive Officers,
- and
- (III). where transfer orders have been passed by any other official viz. BDO/VDO.

3.1. Impugned herein are orders dated 20.02.2024 and 22.02.2024 passed by the State Government qua 635 officials, respectively. Also assailed are few transfer orders passed by the C.E.O.s of respective districts viz. dated 19.02.2024 qua

Districts Udaipur, Jalore & Ajmer, dated 20.02.2024 qua Banswara & Nagaur, dated 21.02.2024 qua Districts Bhilwara, Rajsamand, Pali, Chittorgarh & Jodhpur and dated 22.02.2024 qua Districts Bikaner, Bhilwara, Rajsamand, Dungarpur, Deedwana Kuchaman, Salumber, Pali, Jaisalmer, Barmer, Jodhpur, Banswara & Nagaur for around 250 officials and certain individual orders dated 13.02.2024, 14.02.2024, 01.03.2024, 11.03.2024, 12.03.2024, 14.03.2024 & 15.03.2024 passed by other officials.

3.2. Particulars of the respective writ petitions filed against aforesaid orders are given in the schedule at the end of this judgment.

FACTUAL BACKGROUND:

4. Facts of each of the transferred panchayat officials need not really be gone into as common thread in all these cases is only the legality of their transfer orders. Individual factual narrative thus, really speaking, has no bearing. Yet, illustratively, facts of the lead case succinctly are that Kera Ram, working currently as Gram Sewak cum Village Development Officer posted at Panchayat Samiti, Sarnau has been transferred to Panchayat Samiti, Bagora vide impugned order dated 19.02.2024 passed by the Chief Executive Officer, Zila Parishad, Jalore.

4.1. Kera Ram pleads that firstly, C.E.O. of Zila Parishad is not legally competent, under the provisions of Panchayati Raj Act, 1994 or the Rules framed thereunder, to pass a transfer order qua a Village Development Officer. Secondly, it is also his case that no prior approval/consent has been obtained either from the Samiti through its Pradhan, as is mandatory under Section 89(8)(ii) of the Act of 1994.

4.2. He also alleges violation of Rule 289 sub-rule (1) stating that District Establishment Committee of Zila Parishad is the competent authority to pass transfer orders that too upon the receipt of request of the Panchayat Samiti through its Pradhan. It is also his case that while on one hand no one has been posted in his place, thus it does not reflect any administrative exigency, on the other hand, he has been posted out. Furthermore, while transferring him from one Panchayat Samiti to another Panchayat Samiti i.e. Sarnau to Bagora, his specific place of posting i.e. to which Gram Panchayat he shall be reporting has not been mentioned, thus putting him in a state of suspense.

4.3. At the time of issuing notice in Kera Ram's case following order dated 28.02.2024 was passed:-

“Every other day, this court is being inundated with the similar writ petitions, pleading unavailability of equally efficacious remedy, assailing transfer orders of the officials working in the department of Rural Development of Panchayati Raj, Government of Haryana (sic). Predominantly, the grievance is that without specifying as to which Gram Panchayat to join in the transferee Panchayat Samiti, officials of the rank of Village Development Officers/Assistant Administrative Officers/Gram Sewaks/LDCs/Junior Assistants/Junior Technical Assistants/Gram Vikas Adhikaris are being transferred, subjecting them to the arbitrariness of the Head of the Panchayat Samiti to allocate their Gram Panchayat, only after they report at the transferred Panchayat Samiti.

Heard.

*On the face of it, such transfer orders, supra, lacking the necessary specific particulars, appear to be in violation of a judgment rendered in **Chandra Kanta Vs State of Rajasthan & Anr. : S.B. Civil Writ Petition No.14638/2019**, decided on 20.01.2020. Said judgment has attained finality since no intra-court appeal was preferred by the department against the same.*

Prima facie, I am of the view that the administrative officers of the department need to be sensitized qua the judgment, ibid, so as to provide the specifics in the transfer orders proposed to be passed by them. In case, they are deliberately omitting such details, appropriate administrative action then must be taken against them. To reiterate, they must specify the Gram Panchayat within the Panchayat Samiti where an official is being transferred.

Needless to say, the arbitrary manner in which the transfer orders continue to be passed are leading to unnecessary litigation. Notwithstanding that, the controversy, is no more res integra. Such a lackadaisical approach, is burdening not only this court, but the State as well with avoidable multiplicity of lis which already stands adjudicated.

There is no gainsaying that a government official, given the tight budget salary drawn by him, can ill-afford litigation and is forced to spend his hard earned money on litigation due to the non-challant attitude of the department superiors.

In the premise, the Secretary, Rural Development and Panchayati Raj Department, Government of Rajasthan is requested to join the Court proceedings through video conferencing to assist the court on the next date of hearing, to apprise his administrative views on the aforesaid position.

Issue notice.

Learned counsel Mr. Manish Tak, present in Court accepts notice on behalf of respondents. Service is thus dispensed with.

Post it on 06.03.2024. All petitions to be heard with S.B.C.W.P. No.2909/2024.

Meanwhile, operation and effect of the impugned transfer orders qua the petitioners in the respective writ petitions shall remain stayed till the next date.

Registry is directed to list all the similar matters involving respondent No.1 department, wherein such like transfer orders are under challenge, along with the instant bunch of petitions.

Photocopy of this order be placed in the connected files.”

APPLICABLE PROVISIONS OF LAW:

5. To adjudicate on the veracity and legality of the transfer orders, it would be pertinent to first have a look at the applicable statutory Panchayati Raj provisions of law in Rajasthan vis-a-vis the constitutional scheme under which these have been enacted. In fact, the genesis of creating grass root level democracy, to decentralize the power by vesting it with elected representatives in Panchayat, emanates from the 73rd constitutional amendment carried out in Article 243 of the Constitution of India in the year 1992. Post amendment, Articles 243A, B, G & H read as under:-

“243A. Gram Sabha. –

A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

243B. Constitution of Panchayats. –

(1) *There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.*

(2) *Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.*

243G. Powers, authority and responsibilities of Panchayats. –

Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and

responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to -

- (a) *the preparation of plans for economic development and social justice;*
- (b) *the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.*

243H. Powers to impose taxes by, and Funds of, the Panchayats. -
The Legislature of a State may, by law, -

- (a) *authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;*
- (b) *assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;*
- (c) *provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and*
- (d) *provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law."*

6. In order to effectively implement the constitutional mandate, State of Rajasthan promulgated an enactment i.e. The Rajasthan Panchayati Raj Act, 1994 and also framed Rules of 1996 thereunder. Section 89 of the Act being relevant qua the controversy herein, is as below:-

"89. Constitutions of the Rajasthan Panchayat Samiti and Zila Parishad Service. -

- (1) *There shall be constituted for the State service designated as the Rajasthan Panchayat Samiti and Zila Parishad Service and hereafter in this section referred to as the service and recruitment thereto shall be made district-wise.*

ⁱProvided that selection for the posts ⁱⁱ(specified in clause (i), (iii) and (iv)) of sub-section (2) shall be made at the State level.

- (2) *The Service may be divided into different categories each category being divided into different grades, and shall, consist of -*

- (i) *ⁱⁱⁱGram Vikas Adhikari*
- (ii) *Deleted*
- (iii) *^{iv}Primary and Upper Primary school teachers;[xxx]^v*
- (iv) *Ministerial establishment, (except Accountants and Junior Accountants); and*
- ^{vi}(v) Prabhodak and Senior Prabhodak*

- (3) *The State Government may encadre in the service any other category or grade of officers and employees of Panchayat Samitis and Zila Parishads and not included in Class IV Services.*
- (4) *The State Government may prescribe the duties, functions and powers of each grade and each category of officers and employees encadred in the service.*
- (5) *All appointments to posts in the service shall be made:*
 (a) *by direct recruitment; or*
 (b) *by promotion; or*
 (c) *by transfer*
- (6) *Appointment by direct recruitment ^{vii}[^{viii} (to the posts specified in clause (ii) of sub-section (2)) and to be posts encadred under sub-section (3)] shall be made by a Panchayat Samiti or Zila Parishad, as the case may be, in accordance with the rules made in this behalf by the State Government from out of the persons selected for the posts in a grade or category in the district by the District Establishment Committee referred to in sub-sec. (1) of Sec. 90.*
- ^{ix}[(6A) *Appointment by direct recruitment to the posts specified in clauses (i) and (iv) of sub-sec. (2) shall be made by a Panchayat Samiti or Zila Parishad, as the case may be, in accordance with the rules made in this behalf by the State Government, from out of the persons selected for the posts by Rajasthan Subordinate and Ministerial Services Selection Board in such manner as may be prescribed.]*
- ^x[(6AA) *Appointment by direct recruitment to the posts specified in clause (iii) of sub-section (2) shall be made by a Panchayat Samiti or Zila Parishad, as the case may be, in accordance with the rules made in this behalf by the State Government, from out of the persons selected for the posts by such agency in such manner as may be prescribed; and]*
- ^{xi}[(6B) *Appointment on the post specified in clause (v) of sub-section (2) shall be made by Additional Chief Executive Officer-cum-District Education Officer (Elementary Education) of the district concern in accordance with the rules made in this behalf by the State Government from out of persons selected for the posts by the recruitment committee constituted by the Government in accordance with the rules made by the State Government in this behalf:*
- Provided in case of the posts reserved for widows and divorcee women, selection shall be made in such manner and by such Screening Committee as may be prescribed by the State Government.]*
- (7) *The appointing authority may, so long as selection is not made by the District Establishment Committee or selected person are not available for appointment, make appointments in the prescribed manner on temporary basis for a period not exceeding six months and the said period may be extended only after consultation with the District Establishment Committee.*

^{xii}[*Provided that no appointment on temporary basis shall be made on the posts specified in clause (iii) of sub-Section 2.]*

(8) Appointments by -

- (i) *promotion shall be made by the Panchayat Samiti or the Zila Parishad, as the case may be, in the prescribed manner from amongst the persons whose names have been entered in the list prepared by the District Establishment Committee, and*
- (ii) *transfer shall be made after consultation with the Pradhans or the Pramukhs, as the case may be of the Panchayat Samitis or the Zila Parishad from and to which such transfer is proposed to be made.*

^{xiii}[(8-A)Notwithstanding anything contained in sub-sec. (8), the State Government may transfer any member of the service ^{xiv}(from any place of posting to any other place of posting whether within the same Panchayat Samiti or) from one Panchayat Samiti to another Panchayat Samiti, whether within the same district or outside it, from one Zila Parishad to another Zila Parishad, or from a Panchayat Samiti to a Zila Parishad or from a Zila Parishad to a Panchayat Samiti and may also stay the operation of, or cancel, any order of transfer made under sub-sec. (8), or the rules made thereunder.]

- (9) *Persons holding posts encadred in the service shall also be eligible for appointments or promotion to posts in a State Service or under the State Government in accordance with the rules made in that behalf by the State Government and subject to terms and conditions laid down in such rules, and the persons so appointed or promoted shall count the period of their holding posts in the service constituted under this section for the purposes of seniority and pension.*
- (10) *Persons holding appointment in a State Service shall also be eligible for appointment by transfer to a post encadred in the service constituted under this selection in accordance with rules made in this behalf by the State Government and on terms and conditions laid down in those rules.*
- (11) *Every person holding a post encadred in the service constituted under this section shall be entitled to the payment of a pension by the State Government out of the consolidated fund of the State in accordance with rules made by it in that behalf.”*

7. Under Section 102 of the Act *ibid*, elaborate Rules i.e. Rajasthan Panchayati Raj Rules, 1996 have also been framed. Rules 289, 290 & 336(26), relevant to the case in hand are reproduced below:-

“Rule 289. *Transfer within the district.* -

- (1) *The name of the employee desiring transfer or desired to be transferred within the district shall be communicated to the [Administration and Establishment Committee of Zila Parishad concerned]^{xv} by the Panchayat Samiti.*

- (2) *Posting by transfer of such an employee shall be made by the Panchayat Samiti or Zila Parishad concerned on the recommendation of the [Administration and Establishment Committee of Zila Parishad concerned]^{xvi}.*
- (3) *State Government may issue orders regarding transfers from time to time. In case Administration and Establishment Committee of Zila Parishad concerned/Standing Committee of Panchayat Samiti does not agree, Chief Executive Officer/Vikas Adhikari as the case may be, shall carry out orders of the state Government.*
- (4) *On transfer of the employee, his confidential roll and service record will be transmitted, without avoidable delay, to the Panchayat Samiti/Zila Parishad to whom his services have been transferred.*

Rule 290. Transfer outside the district. -

- (1) *The name of the employee desiring transfer or desired to be transferred from one district to another shall be communicated to the Director by the Panchayat Samiti or the Zila Parishad, as the case may be.*
- (2) *Posting by transfer of such an employee shall be made by the Panchayat Samiti or the Zila Parishad concerned on the recommendation of the State Government against the vacant posts existing at such time. The State Government may transfer any member of service [from any place of posting to any other place of posting whether within same Panchayat Samiti or]^{xvii} from one Panchayat Samiti to another Panchayat Samiti within the same district or outside it, from one Zila Parishad to another Zila Parishad, or from Panchayat Samiti to Zila Parishad or from Zila Parishad to Panchayat Samiti and may also stay the operation of, or cancel, an order of transfer made under these rules. Chief Executive Officer or Vikas Adhikari concerned shall carry out such orders and*
- (3) *On transfer of an employee, his confidential roll and service record will be transmitted without avoidable delay to the Panchayat Samiti/Zila Parishad to whom his services have been transferred.*

Provided that the employees of posts specified in clause (I) and (iv) of sub-section (2) of Section 89 of the Act, shall not be transferred outside the district in which they were appointed.

Rule 336. Other powers and functions of the Chief Executive Officer: -

- (26) *Transfer of members of Panchayat Samiti and Zila Parishad Service within the district as per general guide lines or decision of Zila Parishad. No Gram Sevak shall be posted in Home Panchayat. ”*

8. The Rajasthan Panchayati Raj (Transferred Activities) Rules, 2011 may also need to be noticed:-

These rules have been enacted for those employees who are otherwise from state government, but have been transferred to carry out the activities which are entrusted to Panchayati Raj

institutions from time to time. Their transfers are covered by Rule 8 as below :-

“8. Transfer. –

Transfer of such transferred employees shall be made under the transfer policy and directions issued by the State Government from time to time, by:-

(i) the Administration and Establishment Committee of the Panchayat Samiti concerned within the same Panchayat Samiti.

(ii) the ^{xviii}[Administration Establishment Committee] of the Zila Parishad concerned from one Panchayat Samiti to another Panchayat Samiti within the same District.

(iii) the department concerned from one district to another district with the consent of the Panchayati Raj Department.”

ADMINISTRATIVE INSTRUCTIONS:

9. Apart from the aforesaid statutory provisions, it transpires that even on the administrative side, the Chief Secretary of the State has issued instructions to all Heads of Departments and Administrative Secretaries across the State that there is currently an absolute ban on making any transfers. The instructions were first issued on 04.01.2023 and subsequently, clarificatory instructions were issued by the Chief Secretary on 03.01.2024, stating that the earlier instructions continue to operate. However, for a short interregnum of 12 days (10.02.2024 to 22.02.2024), this absolute ban on transfers was relaxed to allow various departments to carry out transfers arising from administrative exigencies. Thus, barring this short period of 12 days, the ban on transfers continues to be operational even as of today.

9.1. In the backdrop of the aforesaid administrative instructions of Chief Secretary, similar bunch of petitions came before this Court for hearing, which were disposed of by me vide an order dated 06.02.2024 passed in **S.B.C.W.P. No.417/2024 : Geeta v. The State of Rajasthan**. Same being apposite is reproduced hereinbelow:-

“1. *Vide instant common order, above numbered bunch of writ petitions is being disposed of, as the same issue is involved therein.*

2. *Grievance of the petitioners stems out of impugned administrative orders, passed/appended in respective writ petitions filed by them in individual capacity, whereby, they were transferred from their current place of posting to a new place. Some of them were relieved of the current charge and placed in the category of awaiting posting orders (APO).*

3. *During pendency of the writ proceedings this court granted indulgence and, by way of interim protection, operation of the transfer/APO orders was stayed in each of the petitions in the bunch matter.*

4. *In fact a similar matter (SBCWP No.635/2024) was earlier heard by me, wherein too, petitioner therein had placed reliance on an administrative circular issued by the Chief Secretary of the State addressed to all the Head of Departments / Collectorates / Directorates in the State, conveying specifically that there is a policy decision to ban the transfers until further orders. Therefore, in view thereof, all the administrative secretaries/competent authorities/HODs were instructed/directed that no transfers are to be carried out by them during the ban.*

5. *In the aforesaid premise, an order dated 12.01.2024 was passed by me, which, being apposite, is reproduced herein below:*

“1. *Every day this Court is inundated with writ petitions by aggrieved employees of the State seeking stay on their transfer orders, contending that there is an absolute ban imposed on the transfers by the Chief Secretary of State vide an administrative circular dated 04.01.2023. Today also, two such petitions are listed for hearing before this Bench of the Court.*

2. *Recently, even the successor Chief Secretary of the State once again reaffirmed the aforesaid orders passed by his predecessor by passing his own fresh administrative order dated 03.01.2024, stating that the ban on transfers continues to operate.*

3. *However, in gross insubordination thereof, the head of departments continue to pass transfer orders, compelling the employees to seek recourse to litigation.*

4. *In the premise, the Chief Secretary of the State is impleaded as a party (Respondent No. 5) in S.B. Civil Writ petition No. 417/2024. He is requested to join the proceedings on the next date of hearing through video conferencing (VC) so as to explain as to what steps are being taken to implement his aforesaid circulars, and as to why action should not be taken against the erring officials for violating his clear administrative instructions.*

5. *Notice.*

6. *Returnable on 06.02.2024.*

7. *In the meanwhile, petitioners shall not be relieved from their current posting and the impugned orders shall be kept in abeyance till the next date of hearing.*

8. *Registry is directed to take steps to identify all transfer matters related to roster of this Bench and fix them for hearing on the same date i.e. 06.02.2024.”*

6. *Apropos, on resumed hearing today, learned counsel representing the Chief Secretary and other official respondents, on a court query, apprises that there is indeed a transfer ban operating also conveyed to all concerned by Chief Secretary of the State vide his administrative circular dated 04.01.2023.*

7. *He also apprises that the Chief Secretary could not join the proceedings personally through video conferencing, since he is busy with*

the Budget Session of the Legislative Assembly, which is currently going on. Personal presence of the Chief Secretary through video conferencing is thus exempted.

8. *Adverting to the case in hand, in view of the aforesaid ban, the interim protection granted by this Court in each of the petitions in the above bunch, is made absolute. Liberty is however granted to the respective Departments to pass fresh administrative orders, whenever the transfer ban is lifted and/or the aforesaid circular is modified/withdrawn, as the case may be.*

9. *A photocopy of this order be placed in the each of the files in the above bunch of writ petitions.*

10. *Disposed of accordingly. Pending applications, if any, also stand disposed."*

10. CONTENTIONS ON BEHALF OF THE PETITIONERS:

10.1. Learned counsel for the petitioners, citing Section 89 of the Act, would submit that, no doubt, the State Government retains the exclusive prerogative to carry out transfers of Panchayati Raj officials anywhere in the entire State. However, the mention of the place to which an official is transferred is a sine qua non for passing and implementing the transfer orders. In the absence of a specific place of posting, the transfer orders are liable to be set aside.

10.2. They would argue that the impugned transfer orders passed by the State suffer from non-application of mind, as a large number of officials have been transferred without being assigned any place of posting.

10.3. Regarding the transfer orders passed by the CEO, the argument canvassed on behalf of the petitioners is that, without any consultation with the Pradhan of the Panchayat Samiti from and to which the transfer is made, and in the case of the Zila Parishad, without prior consultation with the Pramukh, the transfer orders are liable to be set aside.

10.4. Furthermore, they would argue that, as per Rule 289, only the District Establishment Committee ('DEC') is competent to recommend a transfer. Without a recommendation from the DEC,

the CEO is not competent to pass such an order. They would also point out that in some cases, transfer orders have been passed by the CEO of a District/Zila Parishad to another Panchayat Samiti, which now falls in another District/Zila Parishad. Therefore, such transfer orders are beyond jurisdiction and liable to be set aside. Likewise, they would argue that BDOs are not competent to pass any transfer orders without authorization from the State, and in any case, prior consultation with the Pradhan (in the case of Panchayat Samiti) and Pramukh (in the case of Zila Parishad) is required. Additionally, without the recommendation of the DEC, no such orders can be passed by any BDO.

10.5. Learned counsel for the petitioners, would thus argue that in the realm of administrative transfers within the State apparatus, the delineation of authority and the adherence to procedural norms stand as pivotal elements. Transfer protocols must be followed in order to avoid misuse of power conferred with the superiors.

10.6. Those of the transfer orders, which have been passed during the period when the absolute ban on transfer was not under relaxation for 12 days, being in violation of the administrative instructions issued by the Chief Secretary, are liable to be quashed on that ground alone, contend the learned counsel for the petitioners.

10.7. Learned counsel for the petitioners placed reliance on the judgments of this Court passed in ***Ram Singh & Ors. Vs. State of Rajasthan & Ors.***,^{xix} ***Badur Ram Khileri & Ors. v. State of Raj. & Ors.***,^{xx} ***State of Raj. & Ors. v. Badur Ram Khilerai & Ors.***,^{xxi} ***Mohan Lal Gurjar v. State of Raj. & Ors.***,^{xxii} ***Gambhir***

Singh v. State of Raj. & Ors.,^{xxiii} State of Raj. & Ors. v. Gambhir Singh & Anr.,^{xxiv} Murari Lal v. State of Raj. & Ors.,^{xxv} State of Raj. & Ors. v. Samleta,^{xxvi} Amar Singh v. Balmeet Singh,^{xxvii} Chandra Kanta & Ors. v. State of Raj. & Ors.,^{xxviii} State of Raj. & Ors. v. Mool Shanker,^{xxix} State of Raj. & Ors. v. Rekha Kumari,^{xxx} and Goutam Kumar v. State of Raj. & Ors.^{xxxi}

11. CONTENTIONS ON BEHALF OF THE OFFICIAL RESPONDENTS

11.1. Per contra, learned counsel appearing for the official respondents and the State would argue the State is fully empowered to either on its own or instruct the CEO/BDO to transfer panchayat officials. Rules 89 and 290 clearly empower the CEO and BDO to carry out the orders of the State. Power vested with the State is unbridled.

11.2. Regarding the lack of specified transfer locations in the impugned transfer orders passed by the State, the argument is that the State has merely selected which officials are to be transferred, leaving the task of assigning them their specific transferred locations to the CEO. They would urge that this approach reflects the State's intent not to interfere in the micro-management of panchayat affairs, delegating this responsibility to the CEOs.

11.3. Learned counsel for the State would also argue that there is no violation of Rules, as the State is fully empowered to transfer any panchayat officials by virtue of sub-section 8A of Section 89. This sub-section does not require prior consultation with Pradhan or Pramukh or a recommendation from the DEC, and grants the State uninhibited powers under the law to pass any transfer order.

11.4. They would further argue that in any case, consultation envisaged under Section 89(8)(ii) is merely directory in nature and not mandatory. Such consultation does not have to be in writing and, therefore, the petitioners' emphasis on the absence of prior consultation as grounds for setting aside the transfer orders is completely misplaced. It's crucial to note that the term employed in this context is "consultation," emphasizing the deliberative nature of the process rather than outright consent. "Consultation" entails merely soliciting input from Pradhans to gauge the necessity of transferring an employee to their respective administrative units, thus reflecting considerations of administrative exigency.

11.5. The term "appointment" in Section 89(8)(ii) delineates a distinction between fresh appointments and mere postings, aligning with legislative intent. This sub-section thus primarily concerns itself with the initiation of new appointments rather than routine postings.

11.6. Majority of the orders of transfers by State/CEO under judicial purview explicitly mention posting place, barring some exception, and thus no interference of this court is warranted.

12. Having had the assistance of the learned counsel appearing for respective parties and after perusal of the record, I shall now proceed to render my opinion on the issues and questions of law involved herein vis-a-vis. the competing contentions of the learned counsels, on the basis of the record appended with the petition as well as the counter affidavit by recording my reasoning in the succeeding paragraphs of the instant order.

QUESTIONS OF LAW:

13. The following questions of law are being formulated, which need to be addressed to adjudicate on the merits of impugned orders:-

1. Does the omission to mention a specific location of Gram Panchayat for a Panchayat Samiti official's new duty station invalidate a transfer order?
2. Is an appointment by transfer without consulting the Pradhans or Pramukhs of the involved Panchayat Samiti or Zila Parishad legally valid?
3. Can the Chief Executive Officer of a Zila Parishad independently issue a transfer order within the Zila Parishad?
4. Are BDOs/VDOs authorized to independently transfer Panchayat officials within the Panchayat Samiti?
5. Is the recommendation of the District Administration and Establishment Committee necessary for transfer of an employee within a Panchayat Samiti or Zila Parishad by the Chief Executive Officer of a Zila Parishad?
6. What is the legislative intent and scope of the State's power under the non-obstante clause in Section 89(8)(A) of the Panchayat Raj Act, 1994, as amended by Act No. 23/1994 in Rajasthan?

ANALYSIS:

14. Before discussing the merits of the case, it is essential to reflect on the evolution of Panchayati Raj or Gram Swaraj (village self-rule) in India. Mahatma Gandhi envisioned Gram Swaraj as a means for India's socio-political and economic development, advocating for village self-rule. This concept was/is central to the Constitutional 73rd Amendment, emphasizing the empowerment

of villages as autonomous, self-sufficient units. The core principle of Gram Swaraj is decentralized governance, where local self-government institutions like Panchayats manage local affairs, make decisions and promote participatory democracy qua the functions and duties as outlined in Schedule 11 under Article 243 of the Constitution of India. Panchayats are thus vehicles for grassroots democracy, enabling citizens to govern themselves. The 73rd Constitutional Amendment of 1992, through Articles 243 and 243 A to H, was enacted to achieve these goals more effectively.

14.1. Articles 243A, 243B, 243C, 243G, and 243H of the Constitution of India support a robust system of decentralized governance, fostering democratic participation and local self-governance at the grassroots level. Safeguarding the independence of Panchayati Raj is crucial for ensuring grassroots democracy. Major challenges to its independence include political and bureaucratic interference. Upholding the independence and autonomy of Panchayati Raj is not just a legal requisite but a moral obligation to strengthen grassroots democracy and amplify marginalized voices. The 73rd Amendment also empowers and enjoins the Panchayats with significant administrative and fiscal responsibilities. The amendment established a three-tier system of Panchayati Raj for States with populations over 20 lakhs, consisting of Gram Panchayats at the village level, Mandal or Block Panchayats at the intermediate level and Zila Parishads at the district level. These bodies are responsible for preparing and implementing plans for economic development and social justice.

14.2. However, the exercise of this decentralized power must be balanced to prevent governmental overreach, thereby maintaining the autonomy and effectiveness of Panchayati Raj institutions. The State Government's role should primarily be one of general oversight rather than direct interference. Ordering the transfer of an employee within the Panchayat Samiti undermines the constitutional autonomy of Panchayati Raj Institutions and contravenes the constitutional mandate intended to empower these local self-governing bodies. State Government officials must respect the constitutional mandate under Article 243 and subsequent amendments (Articles 243A to 243O).

15. In tune with the constitutional mandate *ibid*, in the State of Rajasthan, Panchayats have been constituted under Section 9 of the Panchayati Raj Act of 1994. Similarly, Section 10 of the same Act empowers the State Government to create Panchayat Samitis. According to Section 51 of the 1994 Act, the Panchayat Samiti is responsible for performing functions and exercising powers specified in the Second Schedule, including administering primary education. An overview of Section 89 of the Act reveals that it provides a comprehensive framework for the Rajasthan Panchayat Samiti and Zila Parishad Service, detailing its establishment, categories, recruitment, and management. It establishes a State-wide service with district-level recruitment (with exceptions for State-level selection) and classifications into various grades like Gram Vikas Adhikari and Teachers. The Section, *ibid*, grants the Panchayat Samiti, Zila Parishad and State Government, respectively the authority to define duties of the employees and

manage promotions, transfers, and pension entitlements, ensuring structured administration and accountability.

16. Section 89(8A) mandates that transfer orders can be passed by the State Government from any place to any other within the State, regardless of non compliance of the other procedural safeguards contained in sub-sections 1 to 8 or any other section of the Statue.

17. While the State Government has, no doubt, all pervasive powers under the Act, it should refrain from completely taking over the self-governance powers vested in the Panchayats. It is a situation somewhat akin to Article 254 of the Constitution, which envisages that in the event of inconsistency between Parliament and Legislature of State, laws made by Parliament shall prevail on the matters of concurrent list. Likewise, power of transfer of panchayati raj officials herein is concurrently vested with democratically elected panchayati institutions, as well as, State government. It is thus desirable that in keeping with the real intent and spirit of the law, the State Government should only invoke its inherent powers sparingly when there is a conflict with Panchayati Raj elected bodies and avoid exercising these powers in routine Panchayat affairs.

18. Likewise, Rule 289 specifies the transfer procedures within a district under the jurisdiction of the Panchayat Samiti or Zila Parishad. It mandates communication of transfer requests or decisions through the appropriate district committee, with the State Government, no doubt, retaining overriding authority on transfers. The Rule ensures adherence to state guidelines during the transfer process, promoting effective governance and

administration within the districts. Overall, Rule 289 thus establishes a structured process for managing transfers within a district, ensuring that decisions are made with input from concerned committees and that necessary records are transferred seamlessly to facilitate the employee's transition to their new posting.

19. In my opinion, Rule 289 does not authorize unilateral transfers by Chief Executive Officers in the absence of specific recommendations or requests. Rule *ibid* underscores the importance of adherence to procedural norms and the principle of administrative exigency in effecting transfers, thereby preventing arbitrary exercises of power and safeguarding the rights of the employees.

20. Ultimately, the imperatives of procedural rigor and legal compliance thereof serve as bulwarks against the capricious exercise of transfer authority, ensuring equity and transparency in administrative actions.

In essence, the delicate balance between autonomy, accountability, and effective governance must be maintained, ensuring that decisions are made with due consideration for both procedural norms and administrative exigencies.

DISCUSSION:

21. In the backdrop of aforesaid position of law, it appears to me that the stand taken by the respondents is nothing but a complete repetition of what has already been dealt with chapters and verses, time and again, in the various renditions in past, both by Single Benches as well as Division Benches of this Court as cited

by the learned counsel for the petitioners. The only new argument herein is that after amendment of sub-section 8-A of Section 89 of the Act in 2015 position has changed i.e. State has the power to transfer within the Panchayat Samiti also. The earlier judgments of this Court have attained finality as no further recourse was taken by the State by filing any SLP/Appeal before the Hon'ble Supreme Court. In that context, what seems to be is that water under the bridge is being given a color of a fresh cause of action where none exists. Perhaps it is a lame attempt on the part of the State to create fresh grounds to escalate the matter by way of further legal recourse depending upon the outcome of the present proceedings. Let us examine it in greater details.

22. I am compelled to reiterate for the education of the respondents that had they followed the precedents contained in Mool Shanker & Chandra Kanta (supra), needless litigation could have been avoided for which State alone is responsible. As far as Ram Singh's judgment, in my view reliance thereupon by the petitioners is misplaced. Perusal of Ram Singh judgment leaves no manner of doubt that as far as Panchayat Samiti is concerned, any transfer within the same Samiti could not be carried out by the State Government prior to the amendment. However, subsequent to the judgment, an amendment was carried out sometime in year 2015 to overcome the difficulty. Said amendment is not under challenge. In view of the later amendment, the said judgment is not applicable to that extent. Transfers which have been ordered by the State Government within the same Samiti do not suffer from the vice of lack of administrative jurisdiction. However, having said that, there are

other issues involved, which require attention of this Court and adjudication thereof, which have been discussed hereinafter.

23. Let us first have a look at Division Bench judgment rendered in Mool Shanker (supra) which is post amendment of 89(8-A), relevant thereof is as below:-

“Having heard learned counsel for the parties and having perused the documents on record, we find that Part-IX pertains to the Panchayat which was inserted in the Constitution by the 73rd Amendment Act, 1992 with effect from 24.04.1993. This chapter contains detailed provisions for constitution and composition of Panchayats through which the Panchayati Raj institutions have been given constitutional status. The Panchayats have also been vested with the powers of imposing taxes. As a process of decentralizing the powers, the State Government also has transferred some of the functions and activities in the Panchayats under the said Rules of 2011. In order to enable the Panchayats to carry out such activities, certain staff of the State Government has also been placed at the disposal of the Panchayats.

xxxx

xxxx

xxxx

In purported exercise of issuing transfer policy or orders from time to time, the Government cannot exercise sweeping powers of issuing specific transfer orders of the staff completely disregarding the equation of the District Establishment Committee of the Zila Parishad concerned. This would amount to riding roughshod over the Panchayati Raj institution, which as noted earlier, has been given constitutional status. Undoubtedly, such transfers would have to be in tune with the Government policy and may also conform to the directions that may be issued by the Government from time to time. Nevertheless, the powers of the transfer have to be exercised by the District Establishment Committee.

xxxx

xxxx

xxxx

23.1. The judgment underscores the process of decentralization, wherein state government has delegated specific functions and activities to the Panchayats as per the Rules. This transfer of functions is crucial for enabling Panchayats to perform their roles effectively. To facilitate this, certain State Government staff have been placed at the disposal of the Panchayats. This move aims to bolster the administrative capacity of Panchayati Raj institutions, ensuring that they have the necessary human resources to execute their duties.

However, this decentralized framework also necessitates a clear delineation of authority and responsibility, especially concerning the transfer of personnel. The statutorily prescribed involvement of the District Establishment Committee of the Zila Parishad in the transfer process is a testament to the decentralized nature of this governance model.

23.2. A critical aspect underlying the text is the limitation on the State Government's power to issue transfer orders for staff. It is that the government's overarching authority in issuing specific transfer orders must not undermine the autonomy of the Panchayati Raj institutions. The District Establishment Committee of the Zila Parishad is vested with the authority to manage such transfers, ensuring that the local governance body's functional integrity is maintained.

23.3. The ratio of the judgment reinforces the principle that while the State Government can provide policy directions and ensure adherence to broader governance policies, it cannot exercise sweeping powers that disregard the established mechanisms within Panchayati Raj institutions. This balance is essential to preserve the autonomy and constitutional sanctity of these local bodies.

24. A Coordinate Bench decision dated 07.09.2017 rendered in the case of Murari Lal (supra) held that CEO has no power to transfer. Para No.5 thereof being apposite is being reproduced here under:-

“5. A bare perusal of Section 89(8)(ii) of the Act makes it abundantly clear that in case an employee is proposed to be transferred from one Panchayat Samiti to another by the Zila Parishad concerned on the recommendations of Administration & Establishment Committee of Zila Parishad concerned

consultation with the Pradhans of Panchayat Samitis from and to which such transfer is proposed to be made is mandatory. That apart, by virtue of Section 289 (2), the Chief Executive Officer of the Zila Parishad concerned is not competent to issue the transfer order in absence of any recommendations made in this regard by the Administration & Establishment Committee of Zila Parishad concerned. In this view of the matter, viewed from any angle, the order impugned issued by the Chief Executive Officer, Zila Parishad straight away transferring the petitioner from one Panchayat Samiti to another Panchayat Samiti without compliance of the provisions of Section 89(8)(ii) of the Act and Rule 289(2) of the Rules is ex facie without jurisdiction.”

24.1. Interpreting the Act and the Rules, on an earlier occasion in the case of Chandra Kanta (supra) my learned brother Dinesh Mehta, J., speaking for this Court, opined as below:-

“20. Use of expression “from any place of posting to any other place of posting”, so also “one Panchayat Samiti to another Panchayat Samiti”, in considered opinion of this Court shows the legislative intention that while transferring an employee from one place to another, the State will be simultaneously required to provide place of posting also.

21. The orders impugned are incomplete. They do not conform to provisions contained in sub-section (8A) of Section 89 of the Act for want of assigning place of posting. Impugned orders have left it upon the Chief Executive Officer to assign Panchayat Samiti or Gram Panchayat, where the Gram Sevak has to go. They cannot be called transfer orders ‘stricto sensu’.

22. In considered opinion of this Court, impugned orders are not only loose ended - they traverse beyond the contours of subsection (8A) of Section 89 of the Act.

23. That apart, the transfer orders in the manner passed do not fulfill the basic tenet governing transfer, namely, administrative exigency. It is difficult nay impossible to comprehend how does uprooting employees in such large numbers by a single order in absence of a policy or guideline can serve public good, when the place of posting is not given.

24. The orders impugned have led to delegating the power of transfer in the hands of Chief Executive Officers, who otherwise are not competent to transfer the employee. It is only the State Government which can transfer an employee from one Panchayat Samiti to another, as has been catalogued in sub-section (8A) of Section 89 of the Act.

X-X-X-X-X-X

26. Sub-rule (3) cannot be read in isolation and divorced of sub-rule (1). A comprehensive reading of Rule 289 shows that same is meant for those cases, in which an employee desirous of transfer within the district approaches the concerned Panchayat Samiti, with an order of the State Government and in case the concerned Panchayat Samiti or Gram Panchayat does not carry out the direction of the State Government, the concerned Chief Executive Officer can pass such order of transfer. Such direction or order cannot be issued when there is no request of transfer by the employee or in cases which are not covered by Rule 289.”

(Emphasis supplied)

24.2. Chandra Kanta judgment thus highlights that Section 89(8A) mandates that transfer orders must clearly specify both the place from which the employee is being transferred and the place to which they are being assigned. This requirement ensures transparency and accountability in the transfer process, preventing arbitrary or incomplete orders that could compromise the rights of the employees and the efficiency of administrative functioning. Transfer of employees has to be within the framework of Panchayat Raj laws. It underscores compliance of the legal provisions governing such transfers and the need for adherence to procedural safeguards to maintain the independence and integrity of Panchayat Raj institutions. It is thus imperative to comply the legal provisions and procedural safeguards governing transfers within Panchayat Raj institutions. By ensuring transparency, accountability, and adherence to statutory requirements, the independence and integrity of Panchayat Raj can be preserved, thereby promoting effective local self governance and democratic principles at the grassroots level.

25. As already noted hereinabove, not only Chandra Kanta (supra) but even the subsequent judgment rendered in Mool Shanker (supra) by the Division Bench have attained finality. In view of the same, petitions deserve to be allowed as the impugned orders are completely misconceived to say the least. Petitioners have been compelled to seek indulgence of this Court on a matter, which was otherwise completely an open and shut issue.

26. Adverting once again to the core issue i.e. the legal intricacies surrounding the constitutional status and functional autonomy of Panchayati Raj institutions in India, established

under Part IX of the Indian Constitution through the 73rd Amendment Act, 1992. The involvement of local committees, such as the District Establishment Committee, in transfer decisions exemplifies the commitment to decentralized governance and the protection of constitutional principles. Interference of the State Government, where necessary, is no doubt legally permissible as all pervasive powers have been given to it under the Act but at the same time it should not amount to completely taking over the powers of self governance vested with the Panchayats to make the latter as completely redundant.

27. Trite law it is that the non obstante clause essentially connotes that it shall have over riding effect and shall take precedence over any other clause and shall prevail in the event of any conflicting provision. However, here is a case where in the absence of any conflict, powers have been invoked in routine and massive transfer drive has been carried out by transferring as many as more than 885 Panchayat Officials without even first letting the elected Panchayati bodies to carry out the said exercise. The intent of non obstante clause to ensure clarity and consistency in the application of law seems to have been thus misused by colorable exercise of powers.

28. In the present case, the State Government has practically taken over and undertaken the entire exercise of mass transfers by invoking the non obstante clause under Sub-section (8A) of Section 89 of the Act of 1994 and taking refuge under the words “notwithstanding”.

29. There is another crucial aspect to consider i.e. the State Government had imposed an absolute ban on transfers throughout

the State of Rajasthan. However, the administration temporarily lifted this ban first for 10 days followed by another 2 days, perhaps with an intended view, as it does not seem to be a mere coincidence, to completely strip the Panchayati Raj Institutions of their constitutionally and statutorily mandated powers. The mode, manner and timing of State administration to invoke its broad powers under Section 89 sub-section 8A of the Act raises serious suspicions and appears to be a colorable exercise of power to carry out the massive transfer drive of the Panchayati Raj officials.

FINDINGS:

30. In the light of discussion and analysis contained in preceding paragraphs let us now revert to address the questions framed in para 13, *ibid*:-

ANSWERS:-

****Question No. 1:****

The answer to the first question revolves around the principle of administrative exigency. As highlighted in the judgment of Chander Kanta by my esteemed colleague Justice Dinesh Mehta, the absence of a specified transfer location indicates a lack of due consideration. If the transferring authority is unaware of the required destination of the transferred official, the motive for transfer becomes questionable. It raises concerns about the possible misuse of administrative discretion or punitive intentions. A transfer order rooted in genuine administrative need would specify the new duty location, allowing the official to promptly

assume their duties. Therefore, the answer to the first question is affirmative.

****Question No. 2:****

The consultation required under Section 89(8)(ii) serves a dual legislative purpose: to uphold self-governance in panchayats and to manage human resources effectively when direct recruits or promotees are unavailable. A superficial reading of Section 89(8)(ii) might suggest that "consultation" does not equate to "consent," making the provision seemingly advisory rather than mandatory. However, at the same time, equating consultation with consent could empower Pradhans and Pramukhs excessively, leading to potential misuse. Hence, the requirement of consultation should not be wholly disregarded, to ensure Pradhans and Pramukhs are not made mere bystanders. The answer to the second question is negative, but transparency demands that reasons for bypassing consultation and disregarding its outcomes be documented.

****Questions No. 3 and 4:****

Questions 3 and 4 are addressed together. The CEO/Addl. CEO (DEO & BDO) can issue orders only under State Government's instructions, as per Rule 289 of the Rajasthan Panchayati Raj Rules, 1996. Generally, the power to transfer lies with the Panchayat Samiti, Zila Parishad, or the State Government. When there is disagreement between these bodies and the State, the power is delegated to the CEO/BDO/Vikas Adhikari to execute State Government

instructions. But BDOs/VDOs are not authorized independently to transfer Panchayat officials within the Panchayat Samiti. Further, BDOs/VDOs are not authorized to independently order an appointment by transfer of Panchayat officials within the Panchayat Samiti without consulting the Pradhans or Pramukhs of the involved Panchayat Samiti or Zila Parishad. Thus, the answer to questions 3 and 4 is negative.

****Question No. 5:****

Rule 289 clearly states that an employee's transfer within a district requires the District Establishment Committee of the Zila Parishad's recommendation. Section 89(8)(a) has should be harmoniously interpreted with Section 89(8) to include consultation with Pradhans and Pramukhs. Sub-Rule 3 of Rule 289 clarifies that if the District Establishment Committee/Standing Committee disagrees, the CEO/Vikas Adhikari can follow the State Government's instructions.

Thus, the recommendation of the District Administration and Establishment Committee is necessary for transfer of an employee by the Chief Executive Officer of a Zila Parishad within a Panchayat Samiti or Zila Parishad .

However, this does not apply to orders issued by the State Government. If the District Establishment Committee/Standing Committee disagrees on such transfer, the CEO/Vikas Adhikari can follow the State Government's instructions. Question 5 is answered accordingly. In other words, the recommendation of the District Administration

and Establishment Committee is necessary for transfer of an employee by the Chief Executive Officer of a Zila Parishad himself within a Panchayat Samiti or Zila Parishad. But, if the District Establishment Committee/Standing Committee disagrees on such transfer, the CEO/Vikas Adhikari can follow the State Government's instructions.

****Question No. 6:****

The last question concerns the legislative intent behind Section 89(8)(a) of the Panchayati Raj Act, 1994. This section emphasizes decentralization, delegating specific functions to Panchayats for managing human resources. The rules ensure effective implementation of this legislative intent. While the State Government holds overriding authority for issuing transfer orders, this power should not undermine the autonomy of Panchayati Raj Institutions.. Striking a balance is essential to maintain the local bodies' autonomy and constitutional integrity. Thus, while the State has absolute power to issue transfer orders, this power should not be exercised in a manner that undermines the faith in democratically elected Panchayati Raj Representatives.

CONCLUSION:-

31. While concluding, in order to avoid needless litigation in future, this Court deems it appropriate to frame/issue following guidelines in matters of transfer of Panchayati Raj officials of the rank of Village Development Officers/Assistant Administrative

Officer/Gram Sewak/LDC/Junior Assistants/Junior Technical
Assistant/Gram Vikas Adhikari :-

Transfer Guidelines

- (I). ****District-Level Transfers:**** Panchayat officials recruited for district-cadre posts cannot and ought not to be transferred in routine outside their respective districts, except wherever permissible under the Act and the Rules framed there under .
- (II). ****Consultation for Transfers:**** Transfers must be made only after consulting the Pradhan of the Panchayat Samiti.
- (III). ****Zilla Parishad Transfers:**** Transfers within a Zilla Parishad require consultation with the Pramukh of the Zilla Parishad.
- (IV). ****State Overriding Power:**** The State can make transfers without consulting the Pradhan or the Pramukh.
- (V). ****Intra-District Transfers:**** The State has the authority to transfer Panchayat officials within or between Panchayat Samitis within the same district.
- (VI). ****Inter-District and Intra-Zilla Parishad Transfers:**** The State can transfer officials from one Zilla Parishad to another, from a Panchayat Samiti to a Zilla Parishad, or within the same Zilla Parishad or Panchayat Samiti, with or without consultation of Pradhan or Pramukh.
- (VII). Section 89(8)(ii) of the Act, 1994 mandates that a Zilla Parishad can transfer an employee from a Panchayat Samiti only after consulting the Pradhans or Pramukhs of the respective Panchayat Samitis or Zilla Parishads involved in the transfer.
- (VIII). Scheme of Rules, 1996 envisage that the Zilla Parishad is the controlling authority for employees appointed in Panchayat Samitis. Transfers within a Zilla Parishad from one Panchayat Samiti to another must comply with

Section 89(8)(ii), ensuring consultation with the respective Pradhans or Pramukhs.

- (IX). Under Section 89(8A) of the Act, 1994, Consultation is not required for transfers made under this section. It gives the State Government the power to stay or cancel transfer orders made under Section 89(8) or the associated rules.
- (X). In Compliance with State Orders, The Chief Executive Officer/Vikas Adhikari are empowered must to execute transfer orders passed by the State Government, as interpreted by a harmonious reading of Rule 289(3) with Sub-section 89(8A). They do not have any independent power to pass transfer orders.
- (XI). The Government must respect the role of the District Establishment Committee of the Zilla Parishad in issuing transfer orders/policies. The Committee is empowered to exercise transfer powers in accordance with Government policies and directions, ensuring that the Panchayati Raj institutions' constitutional status is upheld.
- (XII). Inter-district transfer orders by other Departments must obtain consent from the Panchayati Raj department. 'Consent' implies a voluntary, informed decision, and must be explicitly stated through a conscious decision-making process, not assumed through tacit or non-resistant behavior.

32. The respondent no.1 is directed to issue necessary administrative instructions to the officials of the concerned Panchayati Raj officials to sensitize them about the aforesaid guidelines framed by this Court along with copy of the instant judgment. Needless to say, their non compliance would expose the respondents to the necessary consequences arising thereof.



33. With these observations, the writ petitions are allowed. The impugned transfer orders are set aside qua the petitioners before this Court, with liberty to the respondents to pass fresh orders depending upon the administrative exigencies, but within the parameters of the directives issued by this Court as above. It is made clear that granting of a liberty to pass fresh orders shall not be construed to mean that the respondents must necessarily pass fresh transfer orders even in case no administrative exigency is otherwise made out.

34. No order as to costs.

(ARUN MONGA),J

AK Chouhan/-

Whether fit for reporting : Yes/No

SCHEDULE

S.No.	Writ Petition Number	Party Name	
1.	2909/2024	KERA RAM	STATE OF RAJ. & ORS.
2.	2683/2024	BHANU KUMAR GAHLOT	STATE OF RAJ. & ORS.
3.	2741/2024	DINESH KUMAR KATARA	STATE OF RAJ. & ORS.
4.	2849/2024	SURAJ MAL GURJAR	STATE OF RAJ. & ORS.
5.	2910/2024	HARI KISHAN	STATE OF RAJ. & ORS.
6.	2913/2024	DANA RAM GODARA	STATE OF RAJ. & ORS.
7.	2916/2024	RADHA KISHAN KARWA	STATE OF RAJ. & ORS.
8.	2944/2024	OM PRAKASH MEENA	STATE OF RAJ. & ORS.
9.	2948/2024	BHAIRU LAL LAKSHKAR	STATE OF RAJ. & ORS.
10.	2949/2024	SUNITA MEENA	STATE OF RAJ. & ORS.
11.	2952/2024	RAMNIWAS BHADU	STATE OF RAJ. & ORS.
12.	2953/2024	PRADEEP BENIWAL	STATE OF RAJ. & ORS.
13.	2955/2024	RADHESHYAM SIYAG	STATE OF RAJ. & ORS.

14.	2963/2024	MOHIUDDIN SHARIF	STATE OF RAJ. & ORS.
15.	2968/2024	BRAJBIHARI	STATE OF RAJ. & ORS.
16.	2971/2024	ISHWAR CHANDRA PUROHIT	STATE OF RAJ. & ORS.
17.	2972/2024	MATIN MOHAMMED	STATE OF RAJ. & ORS.
18.	2973/2024	SHYOJI RAM JAT	STATE OF RAJ. & ORS.
19.	2988/2024	PAWAN KUMAR CHANDEL	STATE OF RAJ. & ORS.
20.	2997/2024	SATYANARAYAN	STATE OF RAJ. & ORS.
21.	3012/2024	SANWATA RAM	STATE OF RAJ. & ORS.
22.	3015/2024	BAJRANG LAL CHOUDHARY	STATE OF RAJ. & ORS.
23.	3052/2024	NARESH SOLANKI	STATE OF RAJ. & ORS.
24.	3061/2024	JAI SINGH	STATE OF RAJ. & ORS.
25.	3085/2024	VIJAY MENARIA	STATE OF RAJ. & ORS.
26.	3099/2024	MOHAN LAL MEGHWAL	STATE OF RAJ. & ORS.
27.	3111/2024	ARUN BAMANIYA	STATE OF RAJ. & ORS.
28.	3120/2024	RAMESHWARI GAUR	STATE OF RAJ. & ORS.
29.	3125/2024	BIRBAL RAM	STATE OF RAJ. & ORS.
30.	3126/2024	HEERA LAL AHARI	STATE OF RAJ. & ORS.
31.	3127/2024	VISHNA RAM	STATE OF RAJ. & ORS.
32.	3138/2024	INDRAPAL SINGH JHALA	STATE OF RAJ. & ORS.
33.	3140/2024	NAND KISHORE CHASHTA	STATE OF RAJ. & ORS.
34.	3152/2024	KANTI LAL MALI	STATE OF RAJ. & ORS.
35.	3153/2024	LAL SHANKAR	STATE OF RAJ. & ORS.
36.	3157/2024	KHANGAR SINGH	STATE OF RAJ. & ORS.
37.	3162/2024	BASANTI LAL ASODA	STATE OF RAJ. & ORS.
38.	3163/2024	PRABHU LAL SENGADA	STATE OF RAJ. & ORS.
39.	3169/2024	ARJUN SINGH ASOLIYA (RAO)	STATE OF RAJ. & ORS.
40.	3177/2024	RAKESH SONGARA	STATE OF RAJ. & ORS.
41.	3197/2024	SOHAN SINGH	STATE OF RAJ. & ORS.
42.	3201/2024	RAJENDRA SOLANKI	STATE OF RAJ. & ORS.
43.	3217/2024	SUMAN MEENA	STATE OF RAJ. & ORS.
44.	3223/2024	MANJU BALA	STATE OF RAJ. & ORS.
45.	3265/2024	ISHWAR LAL KALAL	STATE OF RAJ. & ORS.
46.	3271/2024	HEMLATA BAIRWA	STATE OF RAJ. & ORS.
47.	3281/2024	KAILASH CHANDRA MEGHWAL	STATE OF RAJ. & ORS.
48.	3306/2024	MADHUSUDAN PAREEK	STATE OF RAJ. & ORS.
49.	3308/2024	NANURAM MEENA	STATE OF RAJ. & ORS.
50.	3317/2024	BALRAM GAGGAR	STATE OF RAJ. & ORS.
51.	3325/2024	VED PRAKASH RAMAWAT	STATE OF RAJ. & ORS.
52.	3342/2024	BHAWANI SHANKAR GURJAR	STATE OF RAJ. & ORS.

53.	3347/2024	RAMESH CHANDRA JEENGAR	STATE OF RAJ. & ORS.
54.	3348/2024	MANISH SALVI	STATE OF RAJ. & ORS.
55.	3350/2024	DILIP KUMAR KHARADI	STATE OF RAJ. & ORS.
56.	3356/2024	JAMTA RAM	STATE OF RAJ. & ORS.
57.	3357/2024	MAHENDRA MALVIYA	STATE OF RAJ. & ORS.
58.	3360/2024	MAHAVEER PRASAD	STATE OF RAJ. & ORS.
59.	3363/2024	MUBARAK ALI	STATE OF RAJ. & ORS.
60.	3367/2024	RAJENDRA KUMAR MANAT	STATE OF RAJ. & ORS.
61.	3368/2024	SURESH ROAT	STATE OF RAJ. & ORS.
62.	3370/2024	MANOJ KUMAR	STATE OF RAJ. & ORS.
63.	3372/2024	SMT. MADHU CHARAN	STATE OF RAJ. & ORS.
64.	3375/2024	NARESH MEENA	STATE OF RAJ. & ORS.
65.	3376/2024	LAL SINGH CHAUDHARY	STATE OF RAJ. & ORS.
66.	3377/2024	RAM NIWAS	STATE OF RAJ. & ORS.
67.	3390/2024	BANSHI LAL MEENA	STATE OF RAJ. & ORS.
68.	3401/2024	BUDDHI PRAKASH TRIPATHI	STATE OF RAJ. & ORS.
69.	3405/2024	GHANSHYAM SANGEETRA	STATE OF RAJ. & ORS.
70.	3407/2024	DINESH KUMAR SHARMA	STATE OF RAJ. & ORS.
71.	3408/2024	RAVI KUMAR CHOUDHARY	STATE OF RAJ. & ORS.
72.	3416/2024	SURESH KUMAR JEENGAR	STATE OF RAJ. & ORS.
73.	3419/2024	SHYAM LAL TAILOR	STATE OF RAJ. & ORS.
74.	3434/2024	LAJPAT JAIN	STATE OF RAJ. & ORS.
75.	3435/2024	BHARAT SINGH	STATE OF RAJ. & ORS.
76.	3448/2024	BHARAT RAJ MEENA	STATE OF RAJ. & ORS.
77.	3451/2024	TARA DAMOR	STATE OF RAJ. & ORS.
78.	3458/2024	MADAN KHAN	STATE OF RAJ. & ORS.
79.	3462/2024	SHANKAR LAL PATIDAR	STATE OF RAJ. & ORS.
80.	3464/2024	VINOD KUMAR	STATE OF RAJ. & ORS.
81.	3475/2024	ASHOK KUMAR MARU	STATE OF RAJ. & ORS.
82.	3490/2024	VIJAY YADAV	STATE OF RAJ. & ORS.
83.	3515/2024	MADHAV LAL KUMHAR	STATE OF RAJ. & ORS.
84.	3523/2024	VEER SINGH GUDA	STATE OF RAJ. & ORS.
85.	3526/2024	PRAKASH SINGH	STATE OF RAJ. & ORS.
86.	3533/2024	SHYAM LAL SHARMA	STATE OF RAJ. & ORS.
87.	3537/2024	KARAN SONI	STATE OF RAJ. & ORS.
88.	3550/2024	MANOHAR SEN	STATE OF RAJ. & ORS.
89.	3590/2024	RAVINDRA SHYORAN	STATE OF RAJ. & ORS.
90.	3609/2024	SACHIN KUMAR CHOUBE	STATE OF RAJ. & ORS.

91.	3611/2024	BHUPESH KUMAR BHATT	STATE OF RAJ. & ORS.
92.	3614/2024	NARPAT LAL ALIAS NARPAT KUMAR BISHNOI	STATE OF RAJ. & ORS.
93.	3621/2024	RANJEET SINGH NAVARIYA	STATE OF RAJ. & ORS.
94.	3629/2024	HANUMANA RAM	STATE OF RAJ. & ORS.
95.	3631/2024	DEEPA RAM GURJAR	STATE OF RAJ. & ORS.
96.	3633/2024	LADU LAL JAT	STATE OF RAJ. & ORS.
97.	3638/2024	HARPHOOL CHAND	STATE OF RAJ. & ORS.
98.	3642/2024	RAJU JAT	STATE OF RAJ. & ORS.
99.	3651/2024	PAWAN OSWAL	STATE OF RAJ. & ORS.
100.	3653/2024	VISHANA RAM CHOUDHARY	STATE OF RAJ. & ORS.
101.	3654/2024	BHANWAR LAL DAMOR	STATE OF RAJ. & ORS.
102.	3656/2024	BADRI LAL MEENA	STATE OF RAJ. & ORS.
103.	3683/2024	NANURAM ROAT	STATE OF RAJ. & ORS.
104.	3686/2024	SANTOSH KUMAR SINGH	STATE OF RAJ. & ORS.
105.	3693/2024	SUSHIL KUMAR DASHORA	STATE OF RAJ. & ORS.
106.	3716/2024	SATYANARAYAN SHARMA	STATE OF RAJ. & ORS.
107.	3733/2024	SHYAM LAL	STATE OF RAJ. & ORS.
108.	3752/2024	RIMPA YADAV	STATE OF RAJ. & ORS.
109.	3762/2024	NARENDRA SINGH SISODIYA	STATE OF RAJ. & ORS.
110.	3775/2024	JAGDISH CHANDRA GARG	STATE OF RAJ. & ORS.
111.	3776/2024	PINKI MUNDEL	STATE OF RAJ. & ORS.
112.	3778/2024	ASHOK KUMAR KHATI	STATE OF RAJ. & ORS.
113.	3784/2024	SURAJMAL MANAT	STATE OF RAJ. & ORS.
114.	3808/2024	HARISH CHANDRA BARANDA	STATE OF RAJ. & ORS.
115.	3810/2024	ASFAK MOHAMMED	STATE OF RAJ. & ORS.
116.	3812/2024	SUNIL KUMAR SALVI	STATE OF RAJ. & ORS.
117.	3825/2024	SHANKAR LAL	STATE OF RAJ. & ORS.
118.	3829/2024	SARITA	STATE OF RAJ. & ORS.
119.	3834/2024	CHANDRA BHAN	STATE OF RAJ. & ORS.
120.	3865/2024	PRASHANT SOLANKI	THE PRINCIPAL SECRETARY & ORS.
121.	3870/2024	RASILA DAMOR	STATE OF RAJ. & ORS.
122.	3872/2024	MANOJ KUMAR	STATE OF RAJ. & ORS.
123.	3876/2024	ABHISHEK SHARMA	STATE OF RAJ. & ORS.
124.	3892/2024	MOHAN LAL	STATE OF RAJ. & ORS.
125.	3893/2024	LILA DEVI	STATE OF RAJ. & ORS.
126.	3898/2024	BALESH OJHA	STATE OF RAJ. & ORS.

127.	3924/2024	DINESH DHAKA	STATE OF RAJ. & ORS.
128.	3933/2024	OMPRAKASH DHAKAR	STATE OF RAJ. & ORS.
129.	3955/2024	DILEEP CHANDERIYA	STATE OF RAJ. & ORS.
130.	3967/2024	PUSHPENDRA SINGH GEHLOT	STATE OF RAJ. & ORS.
131.	3971/2024	MOHAN RAM CHAHAR	STATE OF RAJ. & ORS.
132.	3973/2024	NARENDRA KUMAR JANGIR	STATE OF RAJ. & ORS.
133.	3975/2024	SURESH KUMAR DHAKAR	STATE OF RAJ. & ORS.
134.	3977/2024	GOPAL LAL DHAKER	STATE OF RAJ. & ORS.
135.	4004/2024	BASIR GULAM	STATE OF RAJ. & ORS.
136.	4020/2024	CHANDRA SHEKHAR REGAR	STATE OF RAJ. & ORS.
137.	4025/2024	URMILA	STATE OF RAJ. & ORS.
138.	4029/2024	SUBHITA	STATE OF RAJ. & ORS.
139.	4065/2024	JYOTI PAREEK	STATE OF RAJ. & ORS.
140.	4080/2024	SMT. USHA KHATRI	STATE OF RAJ. & ORS.
141.	4092/2024	GANGARAM MEGHWAL	STATE OF RAJ. & ORS.
142.	4094/2024	NANDKISHORE YADAV	STATE OF RAJ. & ORS.
143.	4102/2024	RAMESH CHANDRA YADAV	STATE OF RAJ. & ORS.
144.	4110/2024	RAM LAL DAMOR	STATE OF RAJ. & ORS.
145.	4112/2024	MAHENDRA KUMAR	STATE OF RAJ. & ORS.
146.	4115/2024	GAJENDRA KUMAR	STATE OF RAJ. & ORS.
147.	4138/2024	SUBHASH CHAND SEN	STATE OF RAJ. & ORS.
148.	4145/2024	MOOLCHAND VERMA	STATE OF RAJ. & ORS.
149.	4147/2024	NITISH KUMAR MEENA	STATE OF RAJ. & ORS.
150.	4166/2024	KESHAV LAL ADIVASI	STATE OF RAJ. & ORS.
151.	4168/2024	MANGLI BISHNOI	STATE OF RAJ. & ORS.
152.	4175/2024	SHRI RAMCHANDRA MEGHWAL	STATE OF RAJ. & ORS.
153.	4181/2024	SIDDARTH SINGH RATNU	STATE OF RAJ. & ORS.
154.	4182/2024	PRAHLAD SINGH GEHLOT	STATE OF RAJ. & ORS.
155.	4185/2024	RAKESH KUMAR MEENA	STATE OF RAJ. & ORS.
156.	4191/2024	PRASHANT KUMAR	STATE OF RAJ. & ORS.
157.	4196/2024	SHANTI LAL SUWALKA	STATE OF RAJ. & ORS.
158.	4197/2024	SURESH BISHNOI	STATE OF RAJ. & ORS.
159.	4201/2024	SUKH LAL TELI	STATE OF RAJ. & ORS.
160.	4228/2024	JITENDRA LAMROD	STATE OF RAJ. & ORS.
161.	4240/2024	RAM SWAROOP MEENA	STATE OF RAJ. & ORS.
162.	4264/2024	SEEMA RAWAL	STATE OF RAJ. & ORS.
163.	4272/2024	MANJU VED	STATE OF RAJ. & ORS.
164.	4278/2024	RAMJAN MOHAMMED	STATE OF RAJ. & ORS.
165.	4284/2024	KOUSHLIYA NAGDA	STATE OF RAJ. & ORS.

166.	4304/2024	PANNA LAL MEGHWAL	STATE OF RAJ. & ORS.
167.	4322/2024	CHHITAR MAL GUJAR	STATE OF RAJ. & ORS.
168.	4332/2024	SHARWAN MEENA	STATE OF RAJ. & ORS.
169.	4357/2024	ROHTASH	STATE OF RAJ. & ORS.
170.	4371/2024	RAMESH KUMAR	STATE OF RAJ. & ORS.
171.	4384/2024	HARESH KUMAR	STATE OF RAJ. & ORS.
172.	4391/2024	MAHENDRA BHAWARIYA	STATE OF RAJ. & ORS.
173.	4449/2024	SMT. KAVITA	STATE OF RAJ. & ORS.
174.	4456/2024	HANUMAN PRASAD BALAI	STATE OF RAJ. & ORS.
175.	4475/2024	SMT. ANJU KUMARI	STATE OF RAJ. & ORS.
176.	4492/2024	ASHISH KUMAR BHATT	STATE OF RAJ. & ORS.
177.	4499/2024	ASHOK KUMAR	STATE OF RAJ. & ORS.
178.	4556/2024	DEV DUTT SHARMA	STATE OF RAJ. & ORS.
179.	4591/2024	HANWANT KUMAR	STATE OF RAJ. & ORS.
180.	4593/2024	RAMNATH DAROGA	STATE OF RAJ. & ORS.
181.	4670/2024	CHAMPA LAL TANUGARIA	STATE OF RAJ. & ORS.
182.	4709/2024	ASHOK KUMAR NINAMA	STATE OF RAJ. & ORS.
183.	4722/2024	RAJENDRA SINGH CHAUHAN	STATE OF RAJ. & ORS.
184.	4726/2024	RAJENDRA SINGH RATHOD	STATE OF RAJ. & ORS.
185.	4822/2024	VIMLESH RATHORE	STATE OF RAJ. & ORS.
186.	4847/2024	KANHAIYA LAL PALIWAL	STATE OF RAJ. & ORS.
187.	4860/2024	MAHENDRA KUMAR KHANDELWAL	STATE OF RAJ. & ORS.
188.	4867/2024	SANTOSH SEN	STATE OF RAJ. & ORS.
189.	4881/2024	YUGAL KISHORE DHABHAI	STATE OF RAJ. & ORS.
190.	4887/2024	OM PRAKASH	STATE OF RAJ. & ORS.
191.	4930/2024	DEVENDRA KUMAR SHARMA	STATE OF RAJ. & ORS.
192.	4943/2024	RAMDEVA RAM MANDA	STATE OF RAJ. & ORS.
193.	4944/2024	KHIYARAM GIWARIYA	STATE OF RAJ. & ORS.
194.	4992/2024	MANSHA RAM AHARI	STATE OF RAJ. & ORS.
195.	5104/2024	OMA RAM BHICHAR	STATE OF RAJ. & ORS.
196.	5515/2024	SMT. MAINA BANU	STATE OF RAJ. & ORS.
197.	6277/2024	HITESH PALIWAL	STATE OF RAJ. & ORS.
198.	6533/2024	KAMLESH JEENGAR	STATE OF RAJ. & ORS.

- i Proviso inserted by Act No.8 of 2004. Notification No.F.2(6) Vidhi/2/2004 dated 10-8-2004 & deleted by Act No.20 of 2010; Notification No. F.2(28) Vidhi/2/2010 dated 15-9-2010. Again Added vide Rajasthan Panchayati Raj (Fourth Amendment) Act, 2015 (Act No.29 of 2015). Published in Raj. Gaz. Part IV-A dated 8-10-2015 w.e.f. 9-6-2015.
- ii Expression substituted vide Rajasthan Panchayati Raj (Amendment) Act, 2016. Published in Raj. Gaz. Part IVA dated 9-4-2016 w.e.f. 18-1-2016.
- iii Clause (I) Substituted for 'Village level workers' and clause (ii) 'Gramsevikas Deleted vide Act no.12 of 2021 No. F.2(38)Vidhi/2/2020 dated 27-9-2021. Published in Raj. Gaz. Exty. Part IV(A) dated 28-9-2021 w.e.f. 27-9-2021.
- iv Substituted vide Act No. 9 of (2000) w.e.f. 3-5-2000.
- v Deleted and Substituted vide Act No. 20 of (2010) w.e.f. 15-9-2010.
- vi Added by Act 12 of 2008. Notification No. F.1(7) Vidhi/2/2008 dated 5-4-2008. Received Assent of Governor on 3-4-2008.
- vii Expression inserted vide Rajasthan Panchayati Raj (Fourth Amendment) Act, 2015 (Act No. 29 of 2015) w.e.f. 9-6-2015.
- viii Substituted vide Rajasthan Panchayati Raj (Amendment) Act, 2016. Published in Raj. Gaz. Part IV-A dated 9-4-2016 w.e.f. 18-1-2016.
- ix Existing (6A) renumbered as (6AA) & sub-section (6A) substituted vide Rajasthan Panchayati Raj Act, 2016. Published in Rajasthan Gaz. Part IV-A dated 9-4-2016 w.e.f. 18-1-2016.
- x Inserted by No. 8 of Act No. 2004 w.e.f. 10-8-2004. Notification No. F.2(6) Vidhi/2/2004 dated 10-8-2004 and deleted by (Act No. 20 of 2010). Again inserted vide Rajasthan Panchayati Raj. (Fourth Amendment) Act, 2015 (Act No. 29 of 2015) w.e.f. 9-6-2015.
- xi Inserted by Notification No. F.2(17) Vidhi/2/2008 dated 5-4-2008 (Act No. 12 of 2008) received the assent of the Governor on 3-4-2008. Published in Raj. Gaz. E.O., Part IV-A dated 5-4-2008.
- xii Inserted by Act No. 8 of 2004. w.e.f. 28-2-2004.
- xiii Inserted by Rajasthan Act No. 23 of 1994 (w.e.f. 26-7-1994).
- xiv Expression Inserted vide Rajasthan Panchayati Raj (Fourth Amendment) Act, 2015 (Act No. 29 of 2015) w.e.f. 9-6-2015.
- xv Added by Noti. No.F. 4 (33) PRD/Legal/Pay Rules/Amend/Ele. Edu/2006/4365 dated 22-9-2006. Raj. Gaz. Exty Pt. IV-C(I) dt.10-10-2006.
- xvi Substituted vide G.S.R. 59: Rajasthan Panchayati Raj (Third Amendment) Rules 2011, No. F. 4(7) Am/Rule/legal/PR2010/1348 dated 12-8-2011, Pub. In Raj. Gaz. Part (iv)(C) dated 18-8-2011 w.e.f. 18-8-2011.
- xvii Inserted and substituted vide Rajasthan Panchayati Raj (Amendment) Rules, 2016 w.e.f. 8-6-2016.
- xviii Substituted vide G.S.R.; Notification No.F.4(8)/Am/Rule/Legal/PR/10/1223 dated 19-7-2011. Published in Raj. Gaz. Exty., Part IV(C) dated 2-8-2011 w.e.f. 2-8-2011.
- xix 2008 SCC OnLine Raj 178
- xx 2010 SCC OnLine Raj 2519
- xxi 2010 SCC OnLine Raj 3278
- xxii 2010 SCC OnLine Raj 4419
- xxiii 2012 SCC OnLine Raj 2133
- xxiv 2012 SCC OnLine Raj 3180
- xxv SBCWP No.3595/2017 dt. 07/09/2017
- xxvi DBSAW No.736/2018 dt. 11/10/2018
- xxvii 2018 SCC OnLine Raj 3445
- xxviii SBCWP No.14638/2019 dt. 20/01/2020
- xxix DBSAW No.683/2021 dt.14/01/2022
- xxx DBSAW No.284/2022 dt. 17/08/2022
- xxxi SBCWP No.2993/2024 dt.01/03/2024