



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 903 of 2023

- Kishan Rathore S/o Chhabi Lal Rathore Aged About 43 Years Occupation - Service, Presently Posted As Panchayat Secretary, Gram Panchayat - Taraigaon, Block - Gaurela, District - Gaurella - Pendra - Marwahi (C.G.), R/o Village - Semra, Janpad Panchayat - Gaurela, District - Gaurella - Pendra - Marwahi (C.G.)

-----Petitioner

VERSUS

1. State Of Chhattisgarh Through Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan Nawa Raipur, Atal Nagar, District - Raipur (C.G.)
2. Commissioner Bilaspur Division, Bilaspur, District - Bilaspur (C.G.)
3. Collector Gaurella - Pendra - Marwahi, District - Gaurella - Pendra - Marwahi (C.G.)
4. Zila Panchayat Bilaspur Through Its Chief Executive Officer, Zila Panchayat, Bilaspur, District - Bilaspur (C.G.)
5. Chief Executive Officer Zila Panchayat, Bilaspur, District - Bilaspur (C.G.)
6. Janpad Panchayat Gaurela Through Its Chief Executive Officer, Janpad Panchayat - Gaurela, District - Gaurella - Pendra - Marwahi (C.G.)
7. Udal Yadav Secretary, Gram Panchayat - Devalgaon, Tahsil - Gaurella, District - Gaurella - Pendra - Marwahi

-----Respondents

01.02.2023	Mr. Malay Shrivastava, Advocate for Petitioner. Mr. Kashif Shakeel, Dy. Advocate General for Respondents-State. Heard. Issue notice to Respondents. Mr. Kashif Shakeel, learned State counsel accepts notice on behalf of Respondents 1 to 3, hence, PF is not required to be paid for these Respondents. On payment of process fee, issue notice to Respondents No. 5 to



7. PF be paid as per rules. Notice be made returnable within three weeks.

Also heard on I.A. No. 01/2023, which is an application for grant of interim relief.

Learned counsel for petitioner submits that petitioner is holding the post of Panchayat Secretary, earlier he was transferred by the office of Jila Panchayat, Bilaspur vide Annexure P-3 dated 15.09.2022 which was put to challenge in an appeal before the Commissioner, Bilaspur. The order of transfer dated 15.09.2022 was stayed by the Commissioner and the appeal is still pending consideration. During pendency of appeal, Respondent No. 6 again attached the service of petitioner to another janpad panchayat which is without jurisdiction as change of place of posting of panchayat Secretary can be only by Jila Panchayat and not the Janpad Panchayat. The order is passed only to bypass an interim order passed by the Commissioner in an appeal bearing Appeal No. 01/A-89/2022-23.

On due consideration of the submission of learned counsel for petitioner and the grounds raised, purely as an interim measure, it is directed that effect and operation of order Annexure P-1 dated 13.01.2023, shall remain stayed till the next date of hearing.

List this case in week commencing from 06th March 2023.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge