



**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 9074 of 2022**

Sumit Kumar Yadav S/o Late Narayan Lal Yadav Aged About 35 Years Assistant Grade-3, Janpad Panchayat Berla, District : Bemetara, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhavan Mantralaya, Atal Nagag, Naya Raipur, District : Raipur, Chhattisgarh
2. Director Panchayat Directorate, Vikas Bhawan, Sector-19, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh
3. Chief Executive Officer Jila Panchayat, Bemetara, District : Bemetara, Chhattisgarh
4. Chief Executive Officer Janpad Panchayat, Berla, District : Bemetara, Chhattisgarh
5. Chief Executive Officer Janpad Panchayat Bemetara, District : Bemetara, Chhattisgarh

**---- Respondents**

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| 19/12/2022 | <p>Mr. Sushobhit Singh, counsel for the petitioner.</p> <p>Mr. Akash Pandey, Panel Lawyer for the State.</p> <p>Heard.</p> <p>Issue notice to the respondents.</p> <p>Mr. Akash Pandey accepts notice for respondents No.1 &amp; 2.</p> <p>Hence, PF is not required to be paid for issuance of notice to those respondents.</p> <p>Learned counsel for the State prays for and is granted 4 weeks time to file reply to writ petition.</p> <p>Issue notice to respondents No. 3 to 5 on payment of PF as</p> |



per rules. Notices be made returnable in 4 weeks.

Also heard on IA No.1, which is an application for grant of interim relief.

Learned counsel for the petitioner submits that petitioner is an employee of Janpad Panchayat, Berla and working on the post of Assistant Grade-III. According to Rule 27 of the Chhattisgarh Panchayat (Recruitment and General Conditions of Services) Rules, 1999 (fort short "*Rules of 1999*"), employee of one Janpad Panchayat can be transfer and posted in another Janpad Panchayat only when consent of concerned employee or consent of concerned employers is obtained. In this case neither consent of employee nor the consent of employers is taken. He also places reliance upon the decision in the case of **Pradeep Kumar Mohabey & Ors. Vs. State of Chhattisgarh and Ors.** (WPS No.61 of 2018 decided on 14.11.2022).

Considering the submission of learned counsel for the petitioner as also that the petitioner is holding the post of Assistant Grade-III, Rule 27 of the Rules of 1999, purely as an interim measure, it is directed that effect and operation of the impinged order dated 28.11.2022 (Annexure P-1) shall remain in abeyance till the next date of hearing.

List this case in the week commencing **20<sup>th</sup> February 2023**.

Certified copy as per rules.

Sd/-

**(Parth Prateem Sahu)**

Judge

Praveen