



2026:CGHC:21500

NAFR

HIGH COURT OF CHHATTISGARH AT 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(s)

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

... Respondent(s)

For Petitioner	:	Mr. Sushobhit Singh, Advocate
For State	:	Mr. Anmol Sharma, P.L.
For Respondent No. 4	:	Ms. Shruti Yadav, Advocate on behalf of Mr. Amrito Das, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board



7.5.2026

1) By way of this petition, petitioner has sought following reliefs:-

10.1 That, the Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 28.11.2022 (Annexure P/1) so far as relates to the transfer of the petitioner, in the interest of justice.

10.2 That, the Hon'ble Court may kindly be pleased to issue appropriate direction directing the respondents to allow the petitioner to perform his duties at the present place of posting, in the interest of justice

10.3 Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case may also be allowed.

2) Facts of present case are that petitioner was initially appointed to the post of Assistant Grade-III in Janpad Panchayat Berla vide order dated 30.6.2008. His services are governed by Chhattisgarh Panchayat (Recruitment and General Conditions of Service) Rules, 1999 [hereinafter to be referred as 'Rules of 1999']. Services of petitioner were transferred from Janpad Panchayat Berla to Janpad Panchayat Bemetara by Chief Executive Officer, Zila Panchayat Bemetara vide order dated 28.11.2022. Petitioner has challenged the said order on the ground that it is contrary to the provisions of Rule 27 of Rules of 1999.

3) Learned counsel for the petitioner submits that State Government vide notification dated 11.12.2015 has amended the Rule 27 of the Rules of 1999 and Chief Executive Officer of Zila Panchayat



has no authority to transfer the services of an employee from one Janpad Panchayat to another Janpad Panchayat.

- 4) On the other hand, learned counsel appearing for the respondents would oppose. They submit that services of petitioner have not been transferred, rather the services of petitioner have been attached with Janpad Panchayat Bemetara for better administration of work. They further submit that Chief Executive Officer being the appointing authority has right to transfer/ attach the services of an employee falling under its jurisdiction and such transfer/ attachment would not affect the seniority of the employee. They contend that this petition is misconceived and liable to be dismissed.
- 5) I have heard learned counsel for the parties and perused the material available on record.
- 6) The Rule 27 of Rules of 1999 reads as under :-

27. पंचायत कर्मचारियों की अन्य पंचायतों में नियुक्ति. इन नियमों में अन्तर्विष्ट किसी बात के होते हुए भी, नियुक्ति प्राधिकारी अन्य पंचायत के पंचायत सेवा के कर्मचारी के आवेदन पत्र पर, ऐसे निबंधनों एवं शर्तों पर, जिन पर दोनों पंचायतों के बीच परस्पर सहमति हो, पंचायत सेवा के ऐसे कर्मचारी को उसी पद पर या समतुल्य पद पर निम्नलिखित शर्तों के अधीन नियुक्त कर सकेगा, अर्थात् :-

(एक) ऐसी नियुक्ति पदोन्नति से भरे जाने पर नहीं की जाएगी।

(दो) इस प्रकार नियुक्त व्यक्ति को, वरिष्ठता के प्रयोजन के लिये पद के उस संवर्ग में, जिस पर वह नियुक्त किया गया हो, कनिष्ठता रैंक प्राप्त होगी, जैसी कि ऐसी नियुक्ति की तारीख को स्थिति थी ¹ [:]

²[* * *]



- 7) A careful perusal of the order impugned would indicate that services of petitioner have been attached with Janpad Panchayat Bemetata till further orders. The Rule 27 of Rules of 1999 would not apply in this case as the order dated 28.11.2022 is not a transfer order, rather it is an order of attachment. Furthermore, Chief Executive Officer of Zila Panchayat being the appointing authority has right to attach the services of its employee for better administration of work and petitioner has not established that the aforestated order of attachment would affect his seniority or service conditions.
- 8) Taking into consideration the above discussed facts, no case is made out for interference. Consequently, this petition fails and is hereby **dismissed**.
- 9) Interim relief granted earlier stands vacated.
- 10) No order as to cost(s).

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Aj i n k ya