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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE
HON'BLE SHRI JUSTICE ANAND PATHAK
ON THE 10th OF AUGUST, 2022

WRIT PETITION No. 17950 of 2022

Between:-

MUKESH BANJARA S/O SHRI JEEWAN LAL BANJARA, AGED ABOUT 31 YEARS, OCCUPATION POST GRS (GRAM ROJAGAR SAHAYAK) R/O GRAM PANCHAYAT MYAPUR JANPAD PANCHAYAT KARAHAL DISTRICT SHEOPUR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI D.S. RAGHUVANSHI -ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYAT & RURAL DEVELOPMENT, VALLABH BHAWAN BHOAPL (MADHYA PRADESH)
2. THE ZILA PANCHAYAT SHEOPUR, DISTRICT SHEOPUR THROUGH THE CHIEF EXECUTIVE OFFICER (MADHYA PRADESH)
3. THE JANPAD PANCHAYAT KARAHAL DISTRICT SHEOPUR THROUGH ITS CHIEF EXECUTIVE OFFICER (MADHYA PRADESH)
4. SHRI SATENDRA SINGH JADON GRAM ROJGAR SAHAYAK, GRAM PANCHAYAT KELOR JANPAD KARAHAL DISTRICT SHEOPUR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI NEELESH SINGH TOMAR -GOVERNMENT ADVOCATE FOR RESPONDENT NO.1)

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This petition coming on for admission this day, the court passed the following:

ORDER

The present petition under Article 226 of Constitution of India has been preferred by the petitioner seeking following reliefs:

"(i) That, the impugned order dated 24-05-2022 (Annexure P/1) & order dated 24-05-2022 (Annexure P/2) may kindly be quashed

(ii) That, the respondents may kindly be directed to allow the petitioner to discharge his duties as Gram Rojgar Sahayak in Gram Panchayat Myapur J.P. Vijaypur District Sheopur with all consequential benefits.

(iii) That, other relief which is just and proper in the facts and circumstances of the case may also be granted."

After arguing for a while, it is the submission of learned counsel for the petitioner that dichotomy of order dated 22-11-2019 (Annexure P/4) and order dated 02-12-2019 (Annexure P/5) is staring at the prospects of petitioner regarding posting as Gram Rojgar Sahayak. Subsequent circular dated 02-12-2019 stayed those transfers in which Gram Rojgar Sahayak has earlier been transferred. Petitioner does not want to go at his parent Gram Panchayat, therefore, he is placing reliance over circular dated 02-12-2019 and submits that clause 2 of the circular dated 22-11-2019 has already been stayed by subsequent circular dated 02-12-2019.

Learned counsel for the respondent/State sought time to file reply and to seek instruction in the matter.

Considering the controversy involved in the case, it appears that no useful purpose would be served in keeping the present case pending, therefore, without commenting on the merits of the case, the present petition is disposed of with the direction to the petitioner to prefer a representation to the concerned authority along with certified copy of this order within seven days

from the date of receipt of certified copy of this order. In turn, the authority concerned shall consider and decide the said representation within fifteen days therefrom.

Till then, if petitioner is already working on the present place of posting (Gram Panchayat Myapur) then he shall be kept at the present place of posting otherwise he shall have to joint at parent Gram Panchayat.

Petition stands disposed of with the aforesaid direction.

Anil*



**(ANAND PATHAK)
JUDGE**