

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1165 of 2015**

- Manoj Kumar Bagde S/o Shri Moti Ram Bagde, Aged About 45 years, Occupation-Service-Working as Block Education Officer, Orachha, Narayanpur, District-Narayanpur, Chhattisgarh R/o Naya Para Ward, P.S. Narayanpur, District-Narayanpur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Its Secretary, Department of Tribal and Scheduled Caste Welfare, Mahandi Bhawan, Naya Raipur Chhattisgarh
2. Commissioner, Tribal and Scheduled Caste Welfare, Raipur, District Raipur Chhattisgarh
3. Collector (Tribal Development Branch), Narayanpur, District Narayanpur Chhattisgarh
4. Shri I.S. Netam, Occupation-Service Working as Principal, Government Higher Secondary School, Remawand, Narayanpur, District Narayanpur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vinay Pandey, Advocate
For Respondent/State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****07/05/2015**

1. Petitioner is working as Block Education Officer, Orachha, district Narayanpur. Since a proposal for his suspension was submitted before the Commissioner, Bastar Division, Bastar, the Collector Narayanpur issued the impugned order, posting the petitioner at Government Higher Secondary School, Remawand. This order has been assailed on the ground that the Collector has no authority or jurisdiction to change petitioner's posting.

2. Learned State counsel would refer to the return and submit that since petitioner has committed several irregularities and the witnesses were not turning up against him in the enquiry, the impugned order has been passed for a fair enquiry and thus, the same being in the interest of administration, it is neither arbitrary, nor illegal.
3. In course of hearing of this petition yesterday, this Court had directed learned State counsel to seek instructions as to the outcome of the proceedings, wherein petitioner's suspension was recommended.
4. Learned State counsel would submit, on instructions, that in the said enquiry, the petitioner has been censured and has also been visited with penalty of stoppage of one increment without cumulative effect.
5. In view of the above, since the proceedings wherein petitioner's suspension was in contemplation has come to an end, the writ petition is disposed of with a direction that the petitioner shall submit a representation before the Collector, Narayanpur within a period of 15 days from today and on such representation being filed, the said Collector shall consider and decide the same within a period of one month from the date of submission.
6. Till the representation is decided, the interim order passed by this Court on 23-4-2015, shall remain in operation.

JUDGE

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