

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3785 of 2015

1. Mewaram Kanwar S/o Shri Bisahu Ram Kanwar, Aged About 52 Years
2. K. K. Jangde S/o Shri Dhaniram Jangde, Aged About 52 Years
3. K. K. Sharma, S/o Shri Parmeshwar Prasad Sharma Aged About 58 Years
4. S. K. Sharma, S/o Shri M. P. Sharma, Aged About 58 Years
5. S. K. Vyas, S/o Shri Ghanshyam Vyas Aged About 57 Years
6. C. L. Soni S/o Late Shri Pushkar Soni Aged About 58 Years

All are Working As Handpump Technicians, P. H. E. Department, Raigarh Block, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Health And Engineering (P. H. E.), Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. The Under Secretary, Department Of Public Health And Engineering (P. H. E.), Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
3. The Engineer-In-Chief, P. H. E. Department, Indravati Bhawan, Block-B-4, 3rd Floor, New Raipur, District Raipur (Chhattisgarh)

---- Respondent

For Petitioner

Mr. Sudeep Agarwal, Advocate

For Respondent /State

Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/10/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioners are working as Hand-pump Technicians in the Department of Public Health Engineering. By order 28.06.2014 (Annexure P/2), 27 Hand-pump Technicians were rationalized and adjusted from P.H.E. Division, Kanker and Janjgir-Champa to different places where the post of Hand pump Technicians were vacant.

(3) The petitioners complied with the said order and joined at P.H.E. Division, Raigarh. Out of remaining 21 persons, one being handicapped , he has been granted interim protection by this Court, as informed by learned counsel for the petitioner. The rest 20 persons did not comply with the order passed by the State Government and remained posted at their previous place of posting i.e. Kanker. Subsequently, by order dated 18.11.2014, the order in respect of the above stated 20 persons was cancelled, however, no order was passed in respect of the petitioners though they had also made representation for cancellation of their posting vide order dated 28.06.2014.

(4) It appears the persons who flouted the order passed by the State Government and did not join at the new place of posting have been rewarded by cancelling their posting order and the petitioner, who had complied with the State Government's order, have been punished for their disciplined conduct.

(5) In the considered opinion of this Court, the State Government should consider the petitioner's representation for cancellation of posting order, as the petitioners are similarly placed and have duly complied with the order passed by the State Government.

(6) For the foregoing, the writ petition is disposed of with a direction

that in the event, the petitioners prefer representation within a period of one month from today for cancellation of their posting order dated 28.06.2014 from Jangjir-Champa to Raigarh on the ground that the said order in respect of other similarly placed persons has been cancelled, the competent authority of the State Government shall consider and decide the same objectively by a speaking order, at the earliest, preferably within a period of 2 months from the date of submission of representation.

Sd/-

Judge

(Prashant Kumar Mishra)

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