

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2392 of 2015

- Yatindra Kumar Soni, aged about 52 years, S/o Late Sunder Lal Soni, Assistant Grade- II, Office Of The Block Education Officer, Durg, Civil and Revenue District Durg (Chhattisgarh)

---- Petitioner

Versus

- State of Chhattisgarh Through Secretary, Department Of School Education, Secretariat, Mahanadi Bhawan, P.S. and Post Rakhi, New Raipur, District Raipur (Chhattisgarh)
- Director, Public Education Directorate Chhattisgarh Raipur (Chhattisgarh)
- District Education Officer, Durg (Chhattisgarh)
- Block Education Officer, Block And District Durg (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Y.C. Sharma, Advocate
For Respondent/State	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/7/2015

Heard.

(2) In this petition under Article 226 of the Constitution of India, the petitioner has challenged the action and the orders passed by the respondents, whereby, his place of posting, where he was posted at the time of issuance of order of suspension, has been changed.

(3) The facts of the case, in brief, are that vide order dated 31.07.2014, the petitioner was suspended by the BEO, Durg in exercise of powers under Rule 9 of the C.G. Civil Services (Classification, Control and Appeal) Rules, 1966. The said order was revoked and the petitioner was reinstated on 12.12.2014, however, he was directed to be posted at Government Higher Secondary School, Rasmada Block Durg. By a subsequent order dated 21.04.2015, the petitioner was directed to be posted in the office of BEO, Durg, from where, he was placed under suspension. It is this order dated 21/04/2015, which has been modified by the impugned order dated 15/06/2015 and now, once again, the petitioner has been directed to be posted in the Government Higher Secondary School, Rasmada, Block Durg (C.G.).

(4) It is no longer *res integra* that a suspended employee is entitled to remain posted at the place where-from he was placed under suspension.

(5) In **Prakash Narayan Tiwari vs. The State of Chhattisgarh and others (W.P.(S) No.217/2015 decided on 07.07.2015)**, this Court, after relying on the decision of the Division Bench of the High Court of Madhya Pradesh in **Kendriya Vidyalaya Sangathan and others vs. Dr. R.K. Shastri and another, (2005) (4) M.P.H.T., 352 (D.B.)**, held that while revoking suspension, the employee cannot be posted at a place different that at the place he was posted at the time of suspension.

(6) In view of the foregoing, the impugned order (Annexure P/10) posting the petitioner at Government Higher Secondary School, Rasmada Block Durg is quashed. The petitioner shall remain posted at

the office of BEO, Durg. However, the respondents would be at liberty to pass fresh order depending on administrative exigency.

(7) Accordingly, the writ petition is allowed to the extent indicated above. No order as to costs.

Sd/-

Judge

(Prashant Kumar Mishra)

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