

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.582 of 2016

Dr. Sachidanand Biswas, S/o J.N. Biswas, aged about 53 years, presently posted and working as Senior Scientific Officer, Scene of Crime, Mobile Unit, Bilaspur (CG).

R/o House No.6/633, Shiv Marg, Kududand, Bilaspur, Distt. Bilaspur (CG).

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Home Affairs, Mahanadi, Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG).
2. Director General of Police, Chhattisgarh, Police Headquarters, Raipur (CG).
3. Director General-cum-Director, State Forensic Science Laboratory, Chhattisgarh, Raipur (CG)
4. Inspector General of Police, Bilaspur Range, Bilaspur (CG)
5. Superintendent of Police, Bilaspur (CG).

---- Respondents

For Petitioner: Mr. B.D. Guru, Advocate.

For Respondents/State: Mr. Dheeraj Kumar Wankhede, Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/02/2016

1. The petitioner is working as Senior Scientific Officer in the State Forensic Science Laboratory (for short 'the State FSL') and he has been promoted by order dated 19-10-2015 (Annexure P-2), but posting order has not been passed. By

order dated 16-12-2015 (Annexure P-1), he has been directed to work at State FSL, Raipur till the issuance of new posting order after promotion which is sought to be challenged. The said order is claimed to be the order of attachment.

2. Learned State counsel, on instructions, submits that at Raipur laboratory, there were huge number of cases pending for reporting after FSL examination and there was delay in sending viscera reports and thus, a Division Bench of this Court in Cr.M.P.No.899/2013 (The State of Chhattisgarh v. Faguram and others) decided on 16-12-2015 has brought to the notice of the State Government the decision reported in 2007 (4) PLJR (HC) 781 (**Md. Sayum v. State of Bihar**) and pursuant to which the State has taken decision to ensure the compliance of the directions contained in **Md. Sayum's** case (supra), and in compliance of the same, the State has also taken decision to open its laboratories at Korba and Bilaspur. Since various viscera cases for reporting are pending consideration at Raipur, the State has taken decision to take the services of the petitioner on temporary basis till the new posting orders are issued pursuant to the promotion order dated 19-10-2015 and immediately after completion of work, posting order of the petitioner and other officers promoted will be issued.
3. In view of the above, I do not find any illegality in the impugned order by which the petitioner has been directed to work at State FSL, Raipur for a temporary period or till the new posting order is issued pursuant to the petitioner's

promotion order dated 19-10-2015 to clear up the huge viscera cases which are pending for reporting and for this reason, I am not inclined to interfere in the impugned order dated 16-12-2015 (Annexure P-1). Accordingly, the writ petition is dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma