

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6604 of 2016

Anil Kumar Chandrakar S/o Shri Hanuman Prasad Chandrakar, Aged About 41 Years R/o Village And Post Jairam Nagar, Tahsil And Police Station Masturi, District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat & Rural Development, Mahanadi Bhawan, New Raipur, P.S. & Post Rakhi, District Raipur, (Chhattisgarh)
2. Collector, Office Of Collectorate, Ambikapur, Distt. Surguja, (Chhattisgarh)
3. Chief Executive Officer, Office Of Chief Executive Officer, Jila Panchayat, Ambikapur, District Surguja, (Chhattisgarh)

---- Respondents

Shri Abhishek Pandey, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/12/2016

Heard.

1. This petition arises out of impugned order dated 17/11/2016.
2. Case of the petitioner is that while the petitioner was working as Assistant Development Extension Officer, Janpad Panchayat – Lakhanpur, he was placed under suspension vide order dated 06/05/2015. Thereafter, suspension is now revoked, but he is being posted in the office of Janpad Panchayat, Mainpat. Therefore, the place of posting, wherefrom the petitioner was suspended, has now been changed after revocation.
3. Learned counsel for the petitioner submits that upon revocation of suspension, the petitioner is liable to be posted at the same place and this issue

is no longer *res integra* and decided by this Court in number of cases including **Bhopal Tande vs. State of Chhattisgarh and others** (W.P.(S) No.2498 of 2015 decided on 10/08/2015).

4. On the other hand, learned State counsel submits that though place of posting of the petitioner, after revocation of suspension, is different but it is in the same division.

5. The distinction pointed out by the learned State counsel is not material. The principle laid down in the case of **Bhopal Tande** (supra) is that once suspension is revoked, the employee is liable to be posted at the same place where he was posted at the time of issuance of the order of suspension.

6. In view of above clear legal position, the petitioner has to be posted upon re-instatement at the same place, wherefrom he was suspended. Therefore, respondent No.3 / CEO, Jila Panchayat, Surguja - Ambikapur is directed to pass appropriate orders in conformity with the legal position in the case of **Bhopal Tande (supra)** within a period of 15 days from the date of receipt of copy of this order. However, it is observed that thereafter, in exigency of service, there will be no impediment in transferring the petitioner from one place to the other place.

7. This petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge