

sNAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4284 of 2015**

Jashwant Singh Kshatri, son of late Kanshi Singh Kshatri, aged about 58 years, resident of Azad Chowk, Mahamaya Park Colony, Mungeli Naka, Bilaspur, District Bilaspur.

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, Police Station Rakhi, District Raipur.
2. The Under Secretary, Public Works Department, Government of Chhattisgarh, Mahanadi Bhawan, New Raipur, Police Station Rakhi, District Raipur.
3. The Engineer-in-Chief, Public Works Department, Indravati Sirpur Bhawan, New Raipur, District Raipur.
4. The Superintending Engineer, Public Works Department, Bilaspur Division, District Bilaspur.
5. Mohan Singh Nagre, posted as Sub-Engineer, Public Works Division No.1, Raipur.

---- Respondents

For Petitioner : Shri Goutam Khetrapal & Shri Ratnesh Kumar Agrawal, Advocate.

For Respondent : Shri Suvigya Awasthi, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

13/01/2016

- (1) With the consent of the parties, the matter is heard finally.
- (2) Learned counsel appearing for the petitioner submits that by impugned order dated 13.11.2015 (Annexure P/1), whereby respondent No.2-Under Secretary, Public Works Department, Government of Chhattisgarh, Raipur has been given current charge of Sub-Divisional Officer to respondent No.5, whereas, the

present petitioner is much senior from respondent No.5 and the petitioner's case has not been considered by the respondents for giving the current charge of Sub-Divisional Officer, which is contrary to the circulars dated 04.08.2011 and 16.05.2012 (Annexure P/5) issued by the State Government and order of this Court dated 28th of June, 2013 passed in WP(S) No. 35 of 2013 (Shrawan Kumar Singh Vs. State of Chhattisgarh & Ors.), in which, this Court has observed as under:-

“7. Therefore, if a senior person is available and there are no complaints or departmental enquiry pending against him and there is no other acute administrative exigency warranting deviation of the normal rule, senior person is entitled to current charge. Except that respondent No.5 is graduate, no other reason has been stated by the State. Therefore, in the considered opinion of this Court, there is no proper consideration with regard to handing over current charge to a senior officer, Therefore, the impugned order (Annexure P/1) cannot be sustained and is hereby set aside. The Executive Engineer, PHE, Sub-Division-Balrampur will consider the aspect of giving charge, strictly in accordance with the circulars dated 04.08.2011 (Annexure P/4) and 16.05.2012 (Annexure P/5) of the State Government and pass necessary orders in that regard.”

(3) In view of the circulars dated 04.08.2011 and 16.05.2012 (Annexure P/5) issued by the State Government and order of this Court dated 28th of June, 2013 passed in WP(S) No. 35 of 2013

(Shrawan Kumar Singh Vs. State of Chhattisgarh & Ors.), the instant writ petition is disposed of with a direction to the State Government to consider and decide the grievances of the petitioner within a period of 45 days from the date of communication of this order.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-