

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6527 of 2016

Jagdish Prasad Maitry S/o Late Shri Deenbandhu Maitry, Aged About 48 Years R/o Village And Post Putidih, Tahsil & Post Dabhra, Distt. Janjgir Champa, (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 Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/12/2016

Heard.

The petitioner has challenged order dated 17/11/2016 on the ground that after revocation of suspension, he has been posted at a place, different than the place wherefrom he was suspended.

2. 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).

3. 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.

4. 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.

5. In view of above, at this stage, this petition is disposed off with a direction that the competent authority shall post the petitioner at the same place from where, he was suspended. Thereafter, it will always be open for the competent authority to transfer the petitioner in exigency of service.

Sd/-

(Manindra Mohan Shrivastava)
Judge