

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 269 of 2016**

Kaushal Kishore Mishra S/o Late Shri Asthabhuja Prasad Mishra, Aged About 55 Years R/o. Kastagar Depo, Balod, Police Station And Tahsil Balod, District Balod (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest Secretariat, Mahanadi Bhawan, New Raipur, P. S. And Post Rakhi District Raipur (Chhattisgarh).
2. Chief Conservator Of Forest, Chhattisgarh Aranya Bhawan, Medical College Road, Raipur District Raipur (Chhattisgarh).
3. Conservator Of Forest, Office Of Forest Durg Region District Durg (Chhattisgarh).
4. Divisional Forest Officer, Dalli Road, Balod, District Balod (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For Respondent/State	:	Shri Ajit Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/08/2016**

Heard.

2. This is a petition arising out of order dated 30-07-2015, while the petitioner was working as Forester at Gunderdehi, Balod Range, he was suspended. Later on, when suspension of the petitioner was revoked on 03-08-2015, he has been posted at Dalli Rajahara Range.

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 settled legal position, the petition is allowed. The impugned order dated 03-08-2015 (Annexure P-4) is quashed. It is, however, made clear that it will be open for the competent authority to transfer the petitioner, if administrative exigency warrants so.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**