

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 549 of 2015**

R. P. Singh S/o Late Shri Govind Singh, Aged About 56 Years Posted As Sub Engineer, Public Health Engineering, Sub Engineer, Sub Division, Surajpur, District Surajpur (Chhattisgarh)

**---- Appellant****Versus**

1. State Of Chhattisgarh Through Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya New Raipur (Chhattisgarh)
2. The Engineer-In-Chief, Public Health Engineering Department, Indravati Bhawan, New Raipur, District Raipur (Chhattisgarh)
3. The Superintending Engineer, Public Health Engineering Department, Ambikapur, Circle, Ambikapur, District Surguja (Chhattisgarh)
4. The Executive Engineer, Public Health Engineering Department, Surajpur, District Surajpur (Chhattisgarh)
5. Omkar Singh, Sub Engineer, Public Health Engineering, Pratappur, District Surajpur (Chhattisgarh)

**---- Respondents**


---

|                      |   |                                                   |
|----------------------|---|---------------------------------------------------|
| For Appellant        | : | Shri B.P.Sharma and Shri Rahul Mishra, Advocates. |
| For Respondent/State | : | Shri UNS Deo, Government Advocate.                |
| For Respondent No. 5 | : | Shri R.S.Baghel, Advocate.                        |

---

**Hon'ble Shri Navin Sinha, Chief Justice****Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Navin Sinha, Chief Justice****18/01/2016**

1. Prayer is again made for adjournment on behalf of State and Respondent No. 5 to file counter-affidavit. The controversy is very limited in nature with regard to the aspect of seniority even in cases of officiating appointment as Assistant Engineer. We are therefore not inclined to adjourn the matter further.

2. Learned Counsel for the Appellant has placed reliance on a government instruction dated 4.8.2011 that even the current charge was to be given to a person senior in rank unless there was any administrative exigency.

3. Administrative instructions normally speaking are required to be followed. There can be no deviation even from an administrative instruction. If there is deviation, reasons have to be specifically recorded in writing explaining the reasons for the same, failing which violation of the government instructions can render the decision arbitrary. Government instructions are not framed to be followed or ignored at will.

4. Respondent No. 3 is directed to provide a personal hearing to the Appellant and Respondent No. 5 in presence of each other and pass a reasoned and speaking order in light of discussions as aforesaid within a maximum period of six weeks from the date of receipt and/or production of a copy of the present order.

5. The present cannot be construed as an affirmation of the impugned order and which cannot also be an impediment for Respondent No. 3 in passing a fresh order as directed.

6. The writ appeal stands disposed in the aforesaid terms.

Sd/-  
(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-  
(P. Sam Koshy)  
**JUDGE**