

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2055 of 2016

R.B.Sharma S/o Shri Mangal Prasad Sharma, Aged About 61 Years R/o C-1, Vidya Vihar Colony, Padmanabhpur, Post Office Kasaridih, P.S. Pulgaon, Distt. Durg, (Chhattisgarh) Pin 491001

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Bhawan, Post Office Mantralaya, P.S. Rakhi, Naya Raipur, District Raipur, (Chhattisgarh) Pin 492002
2. The Engineer In Chief, Water Resources Department, Sihava Bhawan, Raipur, District Raipur, (Chhattisgarh)
3. Shri N. K. Jain, S/o Shri P. Jain, Aged About 58 Years Occupation In Charge, Sub Divisional Officer, Tandula Water Resources, Sub Division, Durg, P.S. And P.O. Durg, (Chhattisgarh) Pin 491001

---- Respondents

Shri Vipin Tiwari, counsel for the petitioner/s.
Shri Gary Mukhopadhyaya, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/09/2016

Learned counsel for the petitioner, at the outset, submits that the respondents may be directed to consider petitioner's claim for giving charge of Sub-Division.

2. Return has been filed by the respondents in which, it has been stated that the petitioner does not have any right to be given charge of the Sub-Division. It is submitted that the petitioner has already been promoted to the post of Assistant Engineer and it is within the authority of the respondents to give charge of Sub-Division to any officer not only to the junior officer but also to the officer of lower rank.
3. In the return, no reason has been assigned as to why the petitioner was not

given charge of the higher post, particularly when he has already been promoted as Assistant Engineer and respondent No.3 is only Sub-Engineer.

4. As per circular dated 04/06/2011 and 16/05/2012, ordinarily, the charge of higher office or higher responsibility is to be given to a senior officer though there may be justifiable reasons for not doing so. In the present case, no reason has been assigned as to why the charge of higher office has been given to the officer of the rank of Sub-Engineer ignoring the petitioner, who has now been posted as Assistant Engineer in the same Sub-Division.

5. In view of above, respondent No.1 is directed to examine the matter and pass appropriate order in accordance with their own policy within a period of four weeks from the date of receipt of copy of this order.

6. With the aforesaid observations, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge