

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 3007 of 2017

Dilip Kumar **Versus** State Of Chhattisgarh and ors.

13/07/2017	Shri B.L.Dembra, counsel for the petitioner. Shri Satish Gupta, G.A. for the State. On 04/11/2016, the petitioner was suspended as he was found negligent in performing the official duties while working as Sweeper at Primary Health Centre, Amsena, CHC Takhatpur, Distt. - Bilaspur (CG). By order dated 28.04.2017 (Annexure P-1), he has been reinstated in service. However, he has now been posted in the office of Primary Health Centre, Pachpedi, CHC Masturi, Distt. Bilaspur. Relying on judgment passed by this Court in the case of Bhopal Tande Vs. State of Chhattisgarh and others (W.P.(S) No.2498 of 2015 decided on 10/08/2015), learned counsel would submit that when the suspension of an employee is revoked, he/she cannot be transferred to a different place and the reinstatement has to be at the same place from where he/she was suspended. Counsel for the petitioner made a specific averment that as of now, the place from where the petitioner was suspended is still vacant. Having heard learned counsel for the parties and the principle laid down in the case of Bhopal Tande (Supra), this writ petition is disposed off with a direction that the petitioner shall submit a detailed representation within a period of 15 days from today seeking his reinstatement at the same place of posting where he was working at the time of his suspension and if such representation is filed, the same shall be considered and decided by the competent authority within a further period of 8 weeks. Till the petitioner's representation is considered and decided by the competent authority by a speaking order, the impugned order, posting the petitioner in the Primary Health Centre, Pachpedi CHC Masturi, District – Bilaspur (CG) shall remain in abeyance and the petitioner shall be allowed to work as Sweeper at sector Primary

Health Centre, Amsena, Takhatpur, District Bilaspur (CG).

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti