

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6250 of 2017

Sanjeev Kumar Yadav S/o Parmeshwar Yadav, Aged About 38 Years R/o Village Mahapatre Colony Jashpur Nagar Tahsil & District Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat & Rural Development, New Raipur, District Raipur, Chhattisgarh
2. The Chief Executive Officer, Jila Panchayat Jashpur, District Jashpur, Chhattisgarh
3. Block Education Officer, Bagecha, District Jashpur, Chhattisgarh
4. The Asstt. Commissioner Of Tribal Welfare Jashpur, District Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri V.K. Pandey, Advocate
For State	:	Shri Avinash Singh, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2017

Heard.

1. Though the petitioner has challenged the order dated 18.9.2017 in its entirety, considering that against the order of penalty, the petitioner has an alternative and efficacious remedy of appeal, I am not inclined to interfere with the penalty part of the order.
2. However, the other part of the order that upon revocation of suspension, the petitioner is posted at a place other than the place wherefrom he was suspended, the petitioner's submission that he is entitled to be posted at

the same place where from he was suspended in view of the decision of this Court in the case of **Bhopal Tande Vs. State of Chhattisgarh and Ors.**¹ has considerable force.

3. This Court in the case of **Bhopal Tande** (supra) has held and it has now become settled legal position that where a person is reinstated after suspension, he has to be posted at the same place wherefrom he was suspended. Therefore, to that extent, the petitioner is entitled to relief in the manner that the part of the order by which the petitioner has been posted at a place other than the place wherefrom he was suspended is declared illegal. The Chief Executive Officer, Jila Panchayat, Jashpur shall pass appropriate orders in accordance with the judicial settled legal position as adumbrated by this Court in the case of **Bhopal Tande** (supra).
4. In so far as penalty part is concerned, the petitioner will have the liberty to file appeal.
5. The petition is accordingly disposed off.

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

Praveen

1. WPS No.2498 of 2015 decided on 10.8.2015