

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1033 of 2017**

Anup Anselam Minj S/o William Minj, Aged About 39 Years R/o Village
And Post Mendarbahar, Tahsil Farasbahar, District Jahspur
(Chhattisgarh) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat,
Mahanadi Bhawan, Mantralaya New Raipur, District Raipur
(Chhattisgarh).
2. Chief Executive Officer, Zila Panchayat Jashpur, District Jashpur
(Chhattisgarh). **....Respondents**

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. R.K. Gupta, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/03/2017**

Heard on admission.

1. This petition arises out of impugned order dated 23.01.2017.
2. The petitioner has challenged the impugned order on the ground that after revocation of suspension, he has been posted at a place, different than the place wherefrom he was suspended.
3. Learned counsel for the petitioner submits that even though the settled legal position that upon revocation of suspension, the employee is liable to be posted at the same place wherefrom he was suspended, upon revocation of suspension, the petitioner has been posted at another station.
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 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}** 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 clear legal position, the petitioner has to be posted upon re-instatement at the same place, wherefrom he was suspended. Therefore, respondent/State is directed to pass appropriate orders in conformity with the legal position in the case of Bhopal Tande (supra) within a period of 15 days from the date of receipt of copy of this order. However, it is observed that thereafter, in exigency of service, there will be no impediment in transferring the petitioner from one place to the other place.

7. Though this Court has settled legal position that upon revocation of suspension, the delinquent employee is liable to be posted at the place wherefrom he was suspended, it has been found by this Court in large number of cases that even after revocation of suspension, the delinquent employee is not being posted at the same place wherefrom he was suspended but he is being posted at some other place.

8. A copy of this order be sent to the State Government for issuance of necessary directions to all the departments in the light of the judgment passed by this Court in the case of Bhopal Tande (supra).

9. With the aforesaid observations, this petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge