

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 87 of 2017**

C. R. Pisda S/o Late B. R. Pisda, Aged About 56 Years R/o Q. N. H/1
Public Works Deptment, Infront Of S. B. I., Main Branch Jagdalpur,
Old Bus Stand, Post & Thana District Bastar, (Chhattisgarh)

---- Petitioner**Versus**

1. State Govt. Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhavan, New Raipur, (Chhattisgarh)
2. Engineer In Chief, Public Works Department, Raipur, (Chhattisgarh)
3. Superintending Engineer, Public Works Department, Circle Jagdalpur, District Bastar (Chhattisgarh)
4. R. K. Guru, Original Post Assistant Engineer, Presently Working As In Charge Executive Engineer, Public Works Department, North Bastar Division No.2, Jagdalpur, District Bastar, (Chhattisgarh)

---- Respondents

For Petitioners	: Shri Somkant Verma, Advocate
For State	: Shri Garry Mukhopadhyaya, GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/02/2017**

(1) With the consent of the parties, the matter is heard finally.

(2) Learned counsel appearing for the petitioner submits that by impugned order dated 1.9.2015 (Annexure P/1), whereby respondent No. 2- Engineer in Chief, Public Works Department, Raipur has been given current charge of Executive Engineer to respondent No.4, whereas, the present petitioner is much senior from respondent No.4 and the petitioner's case has not been considered by the respondents for giving the current charge of Executive Engineer, which is contrary to the circulars dated 04.08.2011 and 16.05.2012 (Annexure P/5) issued by the State Government and order of this Court dated 28th of June, 2013 passed in WP(S) No. 35 of 2013 (Shrawan Kumar Singh Vs. State of Chhattisgarh & Ors.), in which, this Court has observed as under:-

“7. Therefore, if a senior person is available and there are no complaints or departmental enquiry

pending against him and there is no other acute administrative exigency warranting deviation of the normal rule, senior person is entitled to current charge. Except that respondent No.5 is graduate, no other reason has been stated by the State. Therefore, in the considered opinion of this Court, there is no proper consideration with regard to handing over current charge to a senior officer, Therefore, the impugned order (Annexure P/1) cannot be sustained and is hereby set aside. The Executive Engineer, PHE, Sub-Division-Balrampur will consider the aspect of giving charge, strictly in accordance with the circulars dated 04.08.2011 (Annexure P/4) and 16.05.2012 (Annexure P/5) of the State Government and pass necessary orders in that regard.”

(3) In view of the circulars dated 04.08.2011 and 16.05.2012 (Annexure P/5) issued by the State Government and order of this Court dated 28th of June, 2013 passed in WP(S) No. 35 of 2013 (*Shrawan Kumar Singh Vs. State of Chhattisgarh & Ors.*), the instant writ petition is disposed of with a direction to the State Government to consider and decide the grievances of the petitioner within a period of 45 days from the date of communication of this order.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-