

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 2649 of 2017

Smt. Asha Dubey W/o Shri Koduram Dwivedi, aged about 52 years, presently working as Supervisor, Sector (A) Bal Vikash Pariyojana Balrampur, District Balrampur, Ramanujganj (Chhattisgarh)

---- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Women and Child Development Department, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector, Balrampur Ramanujganj (Chhattisgarh)

---- **Respondents**

22.06.2017	Shri Rahul Mishra, counsel for the petitioner. Shri Satish Gupta, G.A. for the State. On 03.03.2017, the petitioner was suspended as she was found negligent in performing the official duties while working as Supervisor at Sector Balrampur (A), Bal Vikash Pariyojana, Balrampur. By order dated 29.05.2017 Annexure P-1, she has been reinstated in service. However, she has now been posted in the office of Ekikrit Bal Vikash Pariyojana Wadrafnagar, Sector Basantpur. Relying on judgment passed by the Madhya Pradesh High Court in the matter of D. K. Nema Vs. State of M.P. and others 2011 (2) MPHT 194, 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 the learned counsel for the parties and having considered the law laid down by the M.P. High Court, 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 her reinstatement at the same place of posting where she was working at the time of her 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, keeping the law laid down by the M.P. High Court in the matter of D. K. Nema (supra)

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 office of Ekikrit Bal Vikash Pariyojana Wadrafnagar, Sector Basantpur shall remain in abeyance and the petitioner shall be allowed to work as Supervisor at sector Balrampur (A), Bal Vikash Pariyojana, Balrampur.

**Sd/-
(P. Sam Koshy)
JUDGE**