

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 31 of 2017

- R.K.Verma S/o Late Shri J.L. Verma, aged about 54 years, posted as Training Superintendent, at I.T.I. Dhamdha, District Durg, R/o Shanti Nagar, Bhilai- III, District- Durg, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh, Through the Secretary, Technical Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Deputy Secretary, Skill Development, Technical Education And Employment, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
3. Commissioner Cum Secretary, Directorate Of Employment & Training Indrawati Bhawan Naya Raipur, Raipur, Chhattisgarh
4. T.L. Dongre, Principal Grade-II, I.T.I. Ramanujganj District Balrampur, Chhattisgarh

---- Respondents

For Appellant	:	Shri Mateen Siddiqui, Advocate
For State	:	Shri A.S. Kachhawaha, Additional Advocate General

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

07.04.2017

1. This writ appeal filed challenging the judgment of the learned Single Judge is a matter relating to transfer and posting which may also include additional responsibility of higher post.
2. We have heard learned counsel for the Appellant / writ petitioner and the learned Additional Advocate General for the State.
3. It is profitable at this point of time to read the order minuted by this Court on 30.01.2017. The relevant portion of which is as follows :

“This writ appeal is directed against the judgment dated 21.12.2016 passed by Learned Single Judge of this Court whereby the writ petition filed by the Petitioner challenging his transfer has been rejected.

We are not going into the other question but admittedly, the Petitioner is a Training Superintendent having eight years experience. He has been posted at I.T.I. Ramanujganj and has been transferred as the successor of one Shri T.L. Dongre, who was holding the post of Principal Grade-II. The Petitioner alleges that he is a Training Superintendent having only eight years experience and there is a post higher to of Vice Principal and thereafter the post Principal Grade-II.

We are not only taking into consideration the transfer of the Petitioner but also the future of the students of the I.T.I. How can this I.T.I. Progress if a Training Superintendent is asked to function as Principal Grade-II? Before passing any further orders, we direct the State Government to file an affidavit showing how many persons are available in the cadre of Vice Principal or Principal Grade-II who can be posted at Ramanujganj. This affidavit shall be filed on the personal affidavit of Secretary, Technical Education, Government of Chhattisgarh within a period of two weeks.”

4. When this matter is taken up today, learned Additional Advocate General submits that there are many posts of Principal, Vice Principal etc. in the different Industrial Training Institutes which are lying vacant for dearth of hands. We must caution the State Government that DPC will have to be held on a regular basis in terms of the laws, so that regular promotions can be effected by identifying the eligible persons.

5. At the same time, the Petitioner through his learned counsel repeatedly says that he is unable to discharge his duties and responsibilities attached to the Office of the Principal, as also complaints that he is being shunted off to a distant place essentially to accept the request of one Shri P. Idpache, whose transfer stands cancelled. Be that as it may, at this distance of time, all that is required is that the Appellant-Petitioner should be given an opportunity of hearing by the concerned authority to the Government for consideration whether he can be posted to any other station.
6. For the aforesaid reasons, this Writ Appeal is ordered directing that while the impugned judgment does not warrant interference at our hands, the respondents may consider the representation that the Appellant may make to the competent authority, for appropriate posting having regard to all the relevant facts and circumstances. In doing so, the respondents as well as the Appellant will not be bound by the terms of the judgment impugned in this writ appeal.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge