

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5984 of 2017

- Puneet Ram Sahu, S/o Shri Latkhor Sahu, Aged About 53 Years, Presently Posted As Chief Executive Officer, Janpad Panchayat Dondi, District Balod Chhattisgarh, R/o Khandelwal Colony Durg, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Caste And Scheduled Tribe Development, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. Divisional Commissioner, Division, Raipur, District Raipur Chhattisgarh.
3. Collector, Balod District Balod Chhattisgarh.
4. Shri Bhuneshwar Singh Raj Working As Block Education Officer In - Charge Chief Executive Officer, Janpad Panchayat, Doundi, District Balod Chhattisgarh.

---- Respondents

For Petitioner	Shri Jitendra Pali, Advocate
For Respondent-State	Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/11/2017

1. It is argued that while the petitioner was posted as Chief Executive Officer of Janpad Panchayat, Dondi, District Balod and was placed under suspension, the order dated 14.08.2017 (Annexure-P-1) was passed posting the respondent No.4, Block Education Officer as the Chief Executive Officer of Janpad Panchayat Dondi. While reinstating him in the services on

15.09.2017, the Commissioner Raipur, Durg Division has deputed the petitioner to work under the direction of the Collector, Balod, meaning thereby that he has not been reinstated at his original post and place where he was working on the date of his suspension.

2. In the matter of **Bhopal Tande vs State of Chhattisgarh and others**, passed in WPS No.2498/2015, decided on 10.08.2015, and in several other similar petitions, this Court has held that while revoking the suspension, a government servant cannot be posted and assigned a different duty than the one which the employee was discharging at the time of suspension, neither the place of posting can be changed. It appears, while the petitioner was placed under suspension, the respondent No.4 has been posted in petitioner's place treating the office to be vacant.
3. In yet another writ petition i.e. WPS No.1587/2015 (**Puneet Ram Sahu vs State of Chhattisgarh and others**), decided on 28.03.2016, it is held by this Court that an employee working substantively on the post of Chief Executive Officer cannot be transferred or sent on deputation to any other office. Likewise, it is held that an employee belonging to a different cadre cannot be posted as Chief Executive Officer.
4. Admittedly, the respondent No.4 is enjoying the substantive post of Block Education Officer and is not born in the cadre of Chief Executive Officer.
5. For all the above stated reasons, it appears, the petitioner has a right to hold the office of Chief Executive Officer and the place of

posting on which he was posted at the time of issuance of suspension order.

6. The writ petition is therefore allowed and the official respondents are directed to issue an appropriate order in consonance with the law laid down by this Court in the matters of **Bhopal Tande** (supra) and **Puneet Ram Sahu** (supra) within a period of 4 weeks from today.

Sd/-

Judge

Prashant Kumar Mishra

Nirala