

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 67 of 2017

Laxmikant Pandey S/o Shri G. P. Pandey, Aged About 43 Years Assistant Teacher- Panchayat Presently Posted As : Cluster Academic Coordinator Rajiv Gandhi Shiksha Mission Cluster Center : Dhaneli, Block- Nawagarh, Distt. Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary To The Govt. Of Chhattisgarh, Department Of School Education, Mantralaya, Mahanadi Bhavan Naya Raipur : P S- Rakhi, Raipur Chhattisgarh.
2. The Collector-Cum- District Mission Director Rajiv Gandhi Shiksha Mission Janjgir Champa Distt. Janjgir Champa (Chhattisgarh)
3. District Education Officer-Cum- District Project Co-Ordinator Rajiv Gandhi Shiksha Mission, Janjgir Champa, District Janjgir Champa (Chhattisgarh)
4. District Mission Co-Ordinator Rajiv Gandhi Shiksha Mission Janjgir Champa Distt. Janjgir Champa (Chhattisgarh)
5. Block Education Officer, Janjgir Champa District Janjgir Champa, Chhattisgarh.
6. Block Resources Co-Ordinator Block- Dhaneli Rajiv Gandhi Shiksha Mission Janjgir Champa Distt. Janjgir Champa (Chhattisgarh)
7. The Chief Executive Officer, Jila Panchayat : Janjgir Champa Distt. Janjgir Champa (Chhattisgarh)
8. The Chief Executive Officer, Janpad Panchayat Nawagarh Janjgir Champa Distt. Janjgir Champa (Chhattisgarh)
9. General Administration Committee Through : The Chairman Janpad Panchayat Nawagarh Janjgir Champa Distt. Janjgir Champa (Chhattisgarh)

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For Petitioner	:	Shri Anurag Dayal Shrivastava, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate
For Rajiv Gandhi Shiksha Mission	:	Shri B.L . Sahu, Advocate under instructions from Shri A.S. Kachhawaha, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/01/2017

Heard.

1. Considering the limited issue and settled legal position, State counsel was directed to seek instructions from the Chief Executive Officer, Janpad Panchayat, Nawagarh, Janjgir Champa.
2. Learned counsel for the State submits that he does not have any instructions right now.
3. This petition arises out of order dated 7.12.2016 by which the petitioner has been posted at Primary School Singhul. While the petitioner was working as Cluster Academic Coordinator at Dhaneli under Rajiv Gandhi Siksha Mission, he was suspended. Later on, when suspension of the petitioner was revoked on 7.12.2016, he has been posted at Primary School, Singhul.
4. Learned counsel for the petitioner submits that upon revocation of suspension, the petitioner is liable to be posted at the same place and this issue is no longer res integra and decided by this Court in number of cases including **Bhopal Tande Vs. State of Chhattisgarh and Ors.**¹
5. Taking into consideration the settled legal position, this petition is finally disposed off with a direction to the respondent No.8/Chief Executive Officer, Janpad Panchayat, Nawagarh, to pass fresh order posting the petitioner at the same place wherefrom he was suspended. However, thereafter, it would be open for the authorities to issue fresh order of transfer/repatriation in respect of the petitioner in times to come, if exigency so arises.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen

¹ WPS No.2498 of 2015 decided on 10.8.2015