

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 251 of 2017

Mohit Kumar Bajrang S/o Shri Madho Lal Bajrang Aged About 34 Years R/o Kanharpuri, Ward No. 33, Police Station Lalbag, Tahsil And District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Agriculture, Mahanadi Bhawan, Secretariat, New Raipur, P.S. & Post Rakhi, District- Raipur, Chhattisgarh
2. Collector, Office Of Collectorate, Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondents

Shri Abhishek Pandey, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/01/2017

Heard.

1. This petition arises out of impugned order dated 02/12/2016.
2. Case of the petitioner is that while the petitioner was working as Rural Agriculture Extension Officer at Head Quarter village – Chaknar, Block – Chhuikhadan, Rajnandgaon, he was placed under suspension vide order dated 12/08/2016. Thereafter, suspension is now revoked, but he is being posted at Head Quarter Serkheda, Manpur Rajnandgaon. Therefore, the place of posting, wherefrom the petitioner was suspended, has now been changed after revocation.
3. Learned counsel for the petitioner submits that even though the settled legal position that upon revocation of suspension, the employee is liable to be posted at the same place wherefrom he was suspended, upon revocation of

suspension, the petitioner has been posted at another station.

4. On the other hand, learned State counsel submits that though place of posting of the petitioner, after revocation of suspension, is different but it is in the same division.

5. The distinction pointed out by the learned State counsel is not material. The principle laid down by this Court in the case of **Bhopal Tande vs. State of Chhattisgarh and others** (W.P.(S) No.2498 of 2015 decided on 10/08/2015) is that once suspension is revoked, the employee is liable to be posted at the same place where he was posted at the time of issuance of the order of suspension.

6. In view of above clear legal position, the petitioner has to be posted upon re-instatement at the same place, wherefrom he was suspended. Therefore, respondent No.2/ Collector, Rajnandgaon is directed to pass appropriate orders in conformity with the legal position in the case of **Bhopal Tande (supra)** within a period of 15 days from the date of receipt of copy of this order. However, it is observed that thereafter, in exigency of service, there will be no impediment in transferring the petitioner from one place to the other place.

7. Though this Court has settled legal position that upon revocation of suspension, the delinquent employee is liable to be posted at the place wherefrom he was suspended, it has been found by this Court in large number of cases that even after revocation of suspension, the delinquent employee is not being posted at the same place wherefrom he was suspended but he is being posted at some other place.

8. A copy of this order be sent to the State Government for issuance of necessary directions to all the departments in the light of the judgment passed by this Court in the case of **Bhopal Tande (supra)**.

9. With the aforesaid observations, this petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge