

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.826 of 2017

- Neeraj Kumar Mishra S/o Late Harimohan Mishra, Aged About 53 Years
R/o District Jail Line, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Home,
Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Inspector General Of Police, Jail And Rehabilitation Services, Jail
Headquarter Chhattisgarh, Central Jail Raipur, Raipur, District Raipur
(Chhattisgarh).
3. Jail Superintendent, District Jail Rajnandgaon, District Rajnandgaon
(Chhattisgarh)
4. District Magistrate Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri R. K. Bhagat, Advocate
For Respondent/State	:	Ms. Sunita Jain, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/07/2017

Heard.

2. Vide order dated 30-05-2016 (Annexure P/1), the petitioner was suspended as he was found negligent in performing the official duties while working as Head Constable, District Jail, Rajnandgaon. Thereafter, vide order dated 30-11-2016 (Annexure P/2), he has been reinstated in service, however, he has now been posted at Sub Jail, Khairagarh.

3. Grievance of the petitioner raised in this petition is that upon revocation of suspension, the petitioner is being posted at a place other than where he was

working at the time of suspension.

4. It is submitted that this legal issue has been decided by this Court in large number of cases and it has become a settled legal position that upon revocation of suspension, the employee is required to be posted at the same place where-from he was suspended.

5. On the other hand, learned counsel for respondent No.3 submits that because of the exigency of service it has been decided that the petitioner should be posted at some other place therefore, the impugned order has been passed.

6. This Court in the case of ***Vijay Vajpayee v. State of Chhattisgarh and others***, {W.P.(S)No.4921/2014, decided on 18-9-2014} has held that once an employee is suspended, upon revocation he is required to be posted at the same place where-from he was suspended.

7. In view of above, respondent No.3 is directed to pass appropriate order posting the petitioner at the place where-from he was suspended. This order, however, shall not come in the way of transfer of the petitioner, in times to come, on administrative exigency.

8. Accordingly, the writ petition stands disposed of. No order as to cost(s).

SD/-
(Manindra Mohan Shrivastava)
Judge