

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 989 of 2017**

Jaiprakash Shukla S/o Late Shri G. P. Shukla, Aged About 57 Years
 Ex. C.E.O., R/o Block Colony, Jaijaipur, P.S. & Tahsil, District Janjgir
 Champa, Permanent Address: R/o Behind Sai Mandir, Daganiya,
 College Ward, Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: The Additional Secretary, Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, Tahsil & District Raipur, (Chhattisgarh)
2. The Additional Commissioner, Panchayat And Rural Development, Indrawati Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, Tahsil & District Raipur, (Chhattisgarh)
3. The Collector, Janjgir Champa, (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat, Janjgir Champa, District Janjgir Champa, (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat, Jaijaipur, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. S.C. Verma, Advocate.
For State	:	Mr. Satish Gupta, G.A. on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/02/2017**

Heard.

1. This petition arises out of impugned order dated 25.01.2017.
2. Case of the petitioner is that while the petitioner was working as Chief Executive Officer, Janpad Panchayat Jaijaipur, District Janjgir Champa, he was placed under suspension vide order dated 03.12.2014. Thereafter,

suspension is now revoked, but he is being repatriated to his parent department.

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 has become necessary because now it has been decided to repatriate the petitioner to his parent department.

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 reinstatement at the same place, wherefrom he was suspended. Therefore, the respondent/State 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. If the petitioner approaches the respondent authorities, they shall consider the same in accordance with law.

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. Earlier this Court in WPS No.251 of 2017 (Mohit Kumar Bajrang Vs. State of Chhattisgarh and another, vide order dated 17.01.2017) had directed a copy of that order to 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)**. However, it appears that the order of the Court passed in the case of **Bhopal Tande (supra)** is not being followed. It is expected that the State would come out with appropriate instructions at the earliest.

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

Sd/-

(Manindra Mohan Shrivastava)
Judge