

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4739 of 2017

Kamesh Kumar Kosaria S/o Late Ramanand Kosaria, Aged About 58 Years
Occupation Service, Posted As Assistant Grade-I I, Tehsil Office Odagi, P.S.
Odagi, District Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur, Chhattisgarh
2. Commissioner Sarguja Division Ambikapur, Revenue And Civil District Sarguja, Chhattisgarh
3. Collector, Surajpur And District Election Officer, District Revenue & Civil District Surajpur, Chhattisgarh
4. Sub Divisional Officer (Revenue), Surajpur, Revenue And Civil District Surajpur, Chhattisgarh
5. Sub Divisional Officer (Revenue), Bhaiyathan, Revenue And Civil District Surajpur, Chhattisgarh
6. Tahsildar Odagi, Tehsil Odagi, Revenue And Civil District Surajpur, Chhattisgarh
7. Tahsildar Pratappur, Tehsil Pratappur, Revenue And Civil District Surajpur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Surfaraj Khan, Advocate
For State	:	Shr D.R. Minj, Dy. Govt. Advocate

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

Order On Board

13/09/2017

Heard.

1. By this petition, the petitioner has challenged two orders dated 16.8.2017 and 28.8.2017 on the ground that after revocation of suspension, the petitioner is required to be posted at the same place where from he was suspended. In support of his contention, learned counsel for the petitioner relied upon order dated 7.7.2015 passed in WPS No.217 of 2015 (*Prakash Narayan Tiwari Vs.*

State of C.G.).

2. On the other hand, learned counsel for the respondents opposed the same by submitting that clause (13) of FR 9 and FR 13 of the Fundamental Rules conferred power on the authority to place an officer on any other place after revocation of suspension.
3. As consistent view has been taken with regard to legal issue involve in this case as reflected from order dated 7.7.2015 passed in WPS No.217 of 2015 and in other cases, I am inclined to allow the petition.
4. The petition is accordingly allowed. Respondents are directed to post the petitioner at the same place where from he was suspended.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen