

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5033 of 2017

M. D. Deewan S/o P. D. Deewan, Aged About 57 Years Presently Working As Assistant Grade Ill, O/o Executive Engineer, Mahanadi Jalashay Priyojana, Dam, Division No. 2, Rudri, District Dhamtari Chhattisgarh P. S. Civil Lines, Rudri, District Dhamtari Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Engineer, Department Of Water Resources, M R P Basin, Shankar Nagar Chowk, Raipur Chhattisgarh.
3. Executive Engineer, Mahanadi Jalashay Priyojana, Dam, Division No. 2, Rudri, District Dhamtari Chhattisgarh P. S. Civil Lines, Rudri, District Dhamtari Chhattisgarh.

---- Respondents

For petitioner : Mr. N. Naha Roy, Advocate

For State : Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

22/09/2017

Heard.

1. The transfer order is under challenge on the ground that in the office where the petitioner is posted, there are 13 posts of Assistant Grade-III against which 8 Assistant Grade-III are posted and in the office, where the petitioner is being transferred, there are 11 posts of Assistant Grade-III and already 14 Assistant Grade-III have remained posted.

2. Though, an employee, who substantively holds a post is entitled to be posted against a vacant post either of his own post or against equivalent and higher post, the only relief, this Court intends to grant to the petitioner is that the petitioner shall not be relieved from his present posting unless in the office where he is being posted, there is a vacant post of Assistant Grade-III or on equivalent or higher post against which he could be allowed to join and salary could be paid. It is also clarified that if there is administrative exigency, the petitioner could be shifted to the other office along with the post of Assistant Grade-III.

3. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge