

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5864 of 2016**

K. R. Dayal S/o Shri Ram Prasad, Aged About 48 Years Lecturer,
R/o M.I.G. 77, Chandela Nagar, Bilaspur Civil & Revenue District
Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Tribal Development,
Mantralaya, Raipur, Chhattisgarh
2. Commissioner, Tribal Development, Raipur, Chhattisgarh
3. Assistant Commissioner Tribal Development, Bilaspur Chhattisgarh
4. Collector, Tribal Development, Bilaspur, Bilaspur Chhattisgarh
5. District Education Officer, Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rajeev Bharat, Advocate
For State	:	Shri B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/02/2017**

Heard.

1. Though number of grounds have been urged in this petition to assail the order dated 13.10.2016 by which the petitioner has been provided a place of posting upon revocation of suspension, the main ground of challenge is that in view of settled legal position, upon revocation of suspension, the petitioner ought to be posted at the same place where from he was suspended. In support of submission, learned counsel for the petitioner places reliance upon a decision of 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}**.

2. Learned State counsel could not dispute the legal position. He, however, submits that the schools of tribal department have been transferred to School Education Department and therefore, in these circumstances, because of the exigency, a decision was taken by the

District Education Officer to post the petitioner in some other school at Chuktipani, Block Gourela.

3. Whatever may be the exigency of service stated by learned State counsel, one legal position has been settled by this Court in catena of decision including the decision referred to herein above, upon revocation of suspension, employee is required to be posted at the same place where he was working at the time of suspension. It may be another however that after reinstating by posting at the same place, the authority may decide to transfer the officer at some other place as may be necessitated in exigency of service or in public interest.

4. Therefore, in view of the above, only on this ground, impugned order is liable to be set aside and consequently set aside. The respondent shall first post the petitioner in the same institution where from he was suspended. Thereafter, it will be open for the respondent authority to transfer the petitioner if the exigency of service so requires.

5. The petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge