

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 4682 of 2006**

Virendra Pandey, Aged about 31 years, S/o Jay Mangal Pandey, R/o Mayapur, Shastri Ward No.27, In front of Shiv Mandir, Ambikapur District Surguja (Chhattisgarh).

---- Petitioner

**Versus**

1. State of Chhattisgarh Through Secretary, Tribal Welfare Department, D.K.S. Bhawan, Raipur District Raipur (Chhattisgarh).
2. Commissioner, Tribal Welfare Department, Raipur, District Raipur (Chhattisgarh).
3. Collector, (Tribal Welfare) Ambikapur, District Surguja (Chhattisgarh).
4. Sub Divisional Officer (Revenue), Ramanujganj, District Surguja (Chhattisgarh)

---- Respondents

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| For Petitioner        | : | Mr. Manoj Paranjpe, Advocate.   |
| For State/respondents | : | Mr. Avinash Singh, Panel Lawyer |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****12/03/18**

1. The petitioner was appointed on the post of regular peon by the competent authority by order dated 20-11-1995. Later on, he was given the post of Lab. Assistant by order dated 11-09-2003 but subsequently, in the enquiry, he was not found eligible to the post of Lab. Assistant and his services were dispensed with on the post of Lab. Assistant.

2. Learned counsel for the petitioner submits that even after the service

of the petitioner has been dispensed with from the post of Lab. Assistant, he is entitled to continue on the regular post of peon.

3. On the other hand, learned State counsel opposes the submissions of the petitioner's counsel.

4. I have heard learned counsel for the parties, considered rival submissions and gone through the record with utmost circumspection.

5. It is true that the petitioner was holding the regular post of peon with effect from 20-11-1995, he was promoted/posted on the post of Lab. Assistant by order dated 11-09-2003 and once his appointment to the post of Lab Assistant was found not in accordance with law, then naturally he would be entitled to continue on the original post of peon.

6. Accordingly, the instant writ petition is allowed and it is held that the petitioner is entitled to continue on the post of peon and the interim order passed on 31-08-2006 is made absolute.

**Sd/-**  
**(Sanjay K. Agrawal)**  
Judge