

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 233 of 2018

Sanjiv Kumar Mishra S/o Late Shri Prabhu Narayan Mishra Aged About 39 Years
Working On The Post Of Panchayat Khadgawan, R/o Village-Katkona, Police
Station Patna, District-Koriya, Khadgawan (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary Panchayat & Rural Development Department, Mahanadi Bhawan, Naya Raipur, District-Raipur (Chhattisgarh)
2. Chief Executive Officer Zila Panchayat, Koriya, District-Koriya Baikunthpur (Chhattisgarh)
3. Chief Executive Officer Janpad Panchayat, Baikunthpur, District-Koriya Baikunthpur (Chhattisgarh)
4. Village Panchayat Murma Through: The Sarpanch, Post-Murma, District-Koriya, Baikunthpur (Chhattisgarh)

---- Respondents

Shri V.K.Pandey, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/01/2018

Grievance of the petitioner raised in this petition is that upon revocation of suspension, the petitioner is being posted at a place other than where he was working at the time of suspension.

2. It is submitted that this legal issue has been decided by this Court in large number of cases and it has become a settled legal position that upon revocation of suspension, the employee is required to be posted at the same place wherefrom he was suspended.

3. On the other hand, learned counsel for respondent No.2 submits that because of the exigency of service it has been decided that the petitioner should be posted at some other place, therefore, the impugned order has been passed.

4. This Court in the case of Vijay Vajpayee v. State of Chhattisgarh and others, W.P.(S) No. 4921/2014, decided on 18.09.2014 has held that once an employee is suspended, upon revocation he is required to be posted at the same place wherefrom he was suspended.

5. Respondent No.2 is directed to pass appropriate order posting the petitioner at the place wherefrom he was suspended.

6. This order, however, shall not come in the way of transfer of the petitioner, in times to come, on administrative exigency.

7. The writ petition stands disposed off. No order as to cost(s).

Sd/-
(Manindra Mohan Shrivastava
Judge