NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1494 of 2018

Smt. Jyoti Rao W/o Shri Pradeep Rao Aged About 49 Years Occupation Service Presently Working As Supervisor, Sector Nangur Integrated Women And Child Development Project, Jagdalpur (Rural) District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary Department Of Woman And Child Development New Mantralaya Mahanadi Bhawan New Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. Collector (Woman And Child Development) Bastar Jagdalpur District Bastar Chhattisgarh, District : Bastar (Jagdalpur), Chhattisgarh

3. District Program Officer, Department Of Woman And Child Development Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

4. The Project Officer, Integrated Women And Child Development Project Jagdalpur (Rural) District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Respondents

Shri Akhilesh Mishra and Shri Avinash K. Mishra, counsel for the petitioner/s.
Shri S.Majid Ali, Dy.G.A. for the State / respondents.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/02/2018

Challenge in this petition is to the order dated 25/01/2018 to the limited extent that the petitioner, on revocation of suspension order, has been posted to Sector - Bade Kaklur, Integrated Bal Vikas Pariyojana Office, Bastanar, District – Bastar and not at the place from where she was initially suspended.

2. The contention of learned counsel for the petitioner is that the petitioner was placed under suspension on 21/12/2016 categorically explaining departmental action. Learned counsel for the petitioner submits that vide impugned order itself i.e. 25/01/2018, the petitioner has been punished with stoppage of two increments without cumulative effect and at the same time, suspension has also been revoked. However, while revocation of suspension, the place of posting of the petitioner has been changed and she has been posted at Sector- Bade Kaklur, Integrated Bal Vikas Pariyojana Office, Bastanar, District – Bastar.

3. At this juncture, it would be relevant to rely on the judgment of this Court in the case of **Kamleshwar Toppo v. State of C.G. and ors, 2017 (3) CGLJ 558** wherein, under similar circumstances, order of posting of the delinquent employee to a place other than the place where he was originally working at the time of his suspension, was set aside.

4. Without entering into the merits of the case, on verification of facts, it appears that the case of the petitioner stands squarely covered by the judgment of this Court in the case of **Kamleshwar Toppo** (supra). Accordingly, without keeping the petition pending any further, this Court is of the opinion that ends of justice would meet by setting aside order dated 25/01/2018 only to the extent of the place of posting of the petitioner made at Sector - Bade Kaklur, Integrated Bal Vikas Pariyojana Office, Bastanar, District – Bastar is concerned and the matter stands remitted back for the respondents to consider the place of posting of the petitioner in the light of the aforesaid judgment of this Court in the case of **Kamleshwar Toppo** (supra) from where she was placed under suspension i.e. Sector – Nangur, Integrated Women and Child Development Project, Jagdalpur (Rural) Distt. - Bastar (CG). Let appropriate order be passed by the concerned authority at the earliest within a period

of two weeks from the date, the certified copy of this order is presented before the concerned authority.

5. Needless to mention that the petitioner would be at liberty to challenge the impugned order so far as the other portion of the impugned order is concerned, i.e. the punishment order part (except for the place of posting is concerned), before the appropriate Forum available under the Service Rules and liberty is also reserved to the respondents for passing appropriate order in the event administrative exigency requires transferring the petitioner to a different place at an appropriate time.

6. The petition is accordingly allowed to the extent and in the manner indicated herein above. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge

Deepti