

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2657 of 2018**

Mukesh Gupta S/o Late Manik Lal Ji Gupta Aged About 61 Years R/o
Vinoba Nagar Bilaspur P.S. Civil Lines Bilaspur, District Bilaspur,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Khadya Nagrik Aapurti Avm Upbhokta Sanrakshan Vibhab 2nd Floor Indrawati Bhawan Naya Raipur, District Raipur, Chhattisgarh
2. The Under Secretary, Chhattisgarh State Government Khadya Nagrik Aapurti Avm Upbhokta Sanrakshan Vibhag Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Anand Mohan Tiwari, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/03/2018**

1. The grievance in the present writ petition raised by the petitioner is that of posting the petitioner at district Sukma after revocation of the suspension order.
2. The counsel for the petitioner submits that the petitioner who is aged more than 61 years of age was placed under suspension on 23.12.2015. When the petitioner was placed under suspension, he was working as an Assistant Food Officer under the respondents, posted at Baloda Bazar.
3. According to the petitioner, once when the authorities revoked the order of suspension, he ought to have been posted back at the same place from where he was suspended. He relied upon the decision of this Court in the case of "Prakash Narayan Tiwari" reported in 2015 (5) CGLJ 16, wherein it has been categorically held by this Court that

after the order of suspension is revoked, the delinquent is supposed to be reinstated at the same place from where he was suspended with the liberty of respondents to thereafter in the event of administrative exigency transfer the petitioner.

4. In the instant case, the petitioner has got a very short tenure in his service left before attaining the age of superannuation. The petitioner vide the impugned order now has been on revocation of suspension posted at Sukma. This apparently appears to be in contravention to the legal position that has been laid down by this Court in the case of “Prakash Narayan Tiwari” (supra).
5. Given the facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the respondents are directed to reconsider the case of the petitioner’s place of posting keeping in view the judgment of this Court in the case of “Prakash Narayan Tiwari” (supra) and other personal inconveniences that the petitioner may face particularly his age and other factors.
6. In this regard, the petitioner would also make a detailed representation to the respondent No.1, who in turn shall personally consider the case of the petitioner and pass an order at the earliest preferably within a period of 30 days from the date the petitioner’s representation is received by the respondent No.1, which the petitioner should file within a period of 7 days from the date of receipt of the certified copy of this order.
7. The writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge