

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4750 of 2018

Mukesh Kumar Gupta S/o Shri R.S. Gupta, Aged About 48 Years,
Occupation- Sub Engineer, Public Health Engineering, Sub Division
Ambikapur, District- Surguja, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through- Secretary, Public Health Engineering Department, Mantralay, Mahanadi, Bhawan, District- Raipur, Chhattisgarh.
2. The Engineer-In-Chief, Public Health Engineering Department, Mantralay, Indrawati Bhawan, District- Raipur, Chhattisgarh.
3. The Superintending Engineer, Public Health Engineering Department, Circle Ambikapur, District- Surguja, Chhattisgarh.
4. The Executive Engineer, Public Health Engineering Department, Sub Division Ambikapur, District- Surguja, Chhattisgarh.

---Respondents

For petitioner	:	Shri Palash Tiwari, Advocate.
For State	:	Shri Dheeraj Wankhede, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/10/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 11/08/2017 whereby the services of the petitioner stood transferred from Ambikapur to Bemetara.
2. Since the petitioner was not relieved by the department, he continued to remained on that post and finally Annexure-P/2 was passed on 24/05/2018 directing that the petitioner would deemed to be relieved by 10/05/2018 and since then he would not be entitled for the salary from the office at Ambikapur.

3. Pending the present Writ Petition before this Court challenging both order dated 11/08/2017 & 24/05/2018, the respondents on their own have now issued an order dated 06/10/2018 cancelling the earlier order dated 11/08/2017 transferring the petitioner from Ambikapur to Bemetara and as a consequence, the petitioner now stands posted back at Ambikapur itself.

4. Now, the only issue left is since the petitioner from the month of May-2018 onwards have not been paid salary, the competent authority to take a decision as to how that period is to be treated.

5. It is accordingly directed that the respondents No.2 & 3 shall take a decision on the salary part which the petitioner would be entitled for between May-2018 to 06/10/2018 keeping in view the order dated 06/08/2018 passed by the State Government.

6. The authorities would also take note of the fact that the petitioner as such was never issued with any order of relieving from Ambikapur without which he could not have moved out.

7. Let this exercise be done within a period of 60 days from the date of receipt of certified copy of this order.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE