

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4857 of 2018

Dr. Pramod Tiwari S/o Late S.N.Tiwari, aged about 57 years, Child Specialist & Incharge Block Medical Officer, Now Attached at O/o The Chief Medical & Health Officer, Raipur, R/o H/2-13, Narmada Nagar, Bilaspur, District Bilaspur (C.G.).

---Petitioner

Versus

State Of Chhattisgarh, Through its Secretary, Department of Public Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur.

---Respondent

For petitioner	:	Shri R.K.Kesharwani, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/08/2018

1. Heard.
2. The petitioner has challenged order dated 07/07/2018 on the ground that after revocation of suspension, he has been posted at a place, different than the place wherefrom he was suspended.
3. Learned counsel for the petitioner submits that upon revocation of suspension, the petitioner is liable to be posted at the same place and this issue is no longer res integra and decided by this Court in number of cases including Bhopal Tande vs. State of Chhattisgarh and others (W.P.(S) No.2498 of 2015 decided on 10/08/2015).

4. On the other hand, learned State counsel submits that though place of posting of the petitioner, after revocation of suspension, is different but it is in the same division and the place is not far off.

5. The distinction pointed out by the learned State counsel is not material. The principle laid down in the case of Bhopal Tande (supra) is that once suspension is revoked, the employee is liable to be posted at the same place where he was posted at the time of issuance of the order of suspension. The impugned order so far as the place of posting is concerned stands set aside.

6. In view of above, at this stage, this petition is disposed off with a direction that the competent authority shall post the petitioner at the same place from where, he was suspended. Thereafter, it will always be open for the competent authority to transfer the petitioner in exigency of service.

Sd/-

(P. Sam Koshy)
JUDGE