

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5879 of 2018**

Rajib Sinha S/o Late Shri Sudhir Kumar Sinha, Aged About 43 Years,
R/o House No. 196-197, LIG, Deendayal Awas, Village Gatapar,
Abhanpur, District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Corporation Bank Through The Managing Director, Head Office, P.B. No. 88, Mangaladevi Temple Road, Pandeshwar, Mangaluru-575001, District- Mangaluru, Karnatka
2. The Chief Manager (PAD) Bhopal Zone, Corporation Bank, Zonal Office At R-11, Hardev Complex, F F, Zone II, MP Nagar, Bhopal, District- Bhopal, Madhya Pradesh
3. The Branch Manager, Corporation Bank, Branch-Urla/Abhanpur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Manish Upadhyay, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.09.2018**

The challenge in the present writ petition is to the order Annexure P-1 dated 03.07.2018 whereby after revoking the order of suspension the petitioner has been ordered to be posted at Dhamtari Branch of the respondents.

2. Contention of the counsel for the petitioner is that since the place of posting of the petitioner stands changed on revocation of suspension, the

impugned order is bad in law and cannot be done in the light of the decision of Chhattisgarh High Court in the case of Prakash Narayan Tiwari Vs. State of CG and others in WPS No. 217/2015 decided on 07.07.2015.

3. Perusal of the record would show that it is a case where the petitioner was subjected to a disciplinary action and in the disciplinary action, he was found guilty of committing a misconduct. The petitioner has also been inflicted with a punishment of reduction of his basic pay by two stages. It is thereafter that the order of suspension has been revoked and he has been granted joining but the place of posting has been given at Dhamtari Branch. The present is not an usual order of suspension which has been revoked without there being any further development on the departmental proceeding. Here is a case where the petitioner was subjected to a departmental enquiry and he was also punished in the departmental proceeding and thereafter he has been granted joining at a different place.

4. So far as the judgment referred to by the petitioner herein above is concerned, that was a simple case of suspension which was after sometime revoked by the same authority and the same is quite different from the facts of the present case, therefore, the said judgment cannot be made applicable as a straight jacket formula in this case.

5. Thus, this Court does not find any illegality so far as the change of posting of the petitioner on revocation of suspension in the given facts and circumstances of the case is concerned. The writ petition thus being devoid of merit deserves to be and is accordingly dismissed.

6. However, so far as the inconvenience, if any caused on account of posting, the only remedy available to the petitioner is to make a suitable representation to the higher authorities in the Department which in the

instant case the petitioner has already made vide Annexure P-7. The authority concerned would be at liberty to decide the same in accordance with the rules governing the field.

**Sd/-
P. Sam Koshy
Judge**