

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6799 OF 2018**

1. N. D. Chandane S/o Late Shri Ramnath Chandane Aged About 58 Years Presently Posted And Working As Sub Divisional Officer, Water Resource Barrage Sub Division, Dongargaon, District Rajnandgaon, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Engineer Water Resources Department, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Executive Engineer Water Resource Barrage, Division, Dongargaon, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
5. Ravindra Verma Assistant Engineer, Office Of The Executive Engineer, Water Resource Barrage Division, Dongargaon, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri BD Guru, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.
For Respondent No.5	:	Shri Ajay Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11.10.2018**

1. The whole dispute in this petition is the post of Sub Divisional Officer (SDO) Water Resource Barrage, Sub Division Dongargaon, Distt. Rajnandgaon.
2. The contention of the petitioner is that, the petitioner was promoted on 13.03.2018 from the post of Sub Engineer to the post of Assistant Engineer and he was posted at Barrage Division of the Water Resources Department, Dongargaon. Vide order dated 20.09.2018 there was a communication issued by the Joint Secretary of the Water Resources Department posting the petitioner as SDO of the Water Resources Barrage Sub Division Dongargaon. It is this order which now stands modified by the impugned order dated 03.10.2018 stating that there is a amendment brought to the place of posting.

3. Further contention of the petitioner is that the petitioner having already assumed the charge of SDO, the order dated 20.09.2018 stands substantially complied with and as such there cannot be an order of amendment. The only remedy would have been for passing a fresh order of posting. It is further submitted that once the order of posting has been acted upon, there could not have been an amendment brought into it and secondly the respondent No.5 is the person who has been recently promoted on the post of Assistant Engineer whereas, the petitioner had been promoted on the post of Assistant Engineer much before and as such the petitioner is senior to respondent No.5 and it would be a case where the petitioner would be working under the SDO who is junior to him which again would create a situation of embarrassment and heart burning.
4. On the contrary, the counsel for the respondent No.5 submits that the respondent No.5 was promoted on the post of Assistant Engineer on 17.09.2018 and while promoting him he has been also made SDO at Dongargaon. However, there was some typographical error so far as the place of posting is concerned and the rectification of which was pending consideration before the authorities concerned and which stood rectified by the impugned order.
5. Given the aforesaid factual situation, particularly the dispute between the petitioner and the respondent No.5 is concerned, let their case be reconsidered by the respondent No.1 within a period of fortnight from the date of receipt of certified copy of this order. Till then, let status quo as it exist today be maintained by the parties.
6. The petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy
Judge