

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7055 of 2018

Sarika Son W/o Shri Rajesh Son Aged About 42 Years R/o Pachpedi Naka, Raipur, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management Mahanadi Bhavan, Capital Complex, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh.
2. Collector Raipur, District- Raipur, Chhattisgarh.
3. Sub Divisional Officer (Revenue) Raipur, District Raipur, Chhattisgarh.

----Respondents

For Petitioner	:	Dr. N.K. Shukla, Sr. Advocate along with Mr. Anand Mohan Tiwari, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/10/2018

1. The grievance of the petitioner in the present writ petition is to the order Annexure P/1 dated 05.10.2018. The petitioner vide impugned order has been attached to the office of Tahsildar, Raipur.
2. The brief facts of the case is that petitioner was working as a Patwari and posted at Patwari Halka No. 61 at Tahsil Raipur vide order dated 15.06.2018. The petitioner was transferred from Raipur to Tilda and she was also relieved on 21.06.2018. Transferring of the petitioner to Tilda vide order dated 15.06.2018 was challenged in WPS No. 4252/2018. This Court disposed off the writ petition on 02.07.2018 giving liberty to the petitioner to make a representation and the authorities to consider the said representation. Pending consideration of the representation of the petitioner, she was placed under suspension on 13.07.2018 by the Sub-Divisional Officer

Raipur. Thereafter the Government vide order dated 25.09.2018 reconsidered the transfer of the petitioner and cancelled the earlier order dated 15.06.2018 so far as the transfer of the petitioner is concerned and she was ordered to be posted back at Patwari Halka No.61 at Raipur.

3. Pursuant to the order dated 25.09.2018, the Additional Collector, Raipur has already instructed the Sub-Divisional Officer (Revenue) to comply with the order dated 25.09.2018. The petitioner it appears meanwhile reported to the office of the Sub-Divisional Officer on 03.10.2018, however, the Sub-Divisional Officer has now passed the impugned order stating that since the petitioner had already been placed under suspension on 13.07.2018 and the suspension order has not been revoked and therefore the petitioner's services would meanwhile stand attached at the office of Tahsildar Raipur.
4. Once when the order of transfer which has been now modified vide order dated 25.09.2018, the respondent authorities were incumbent to have reconsidered the issuance of the suspension order also. The Sub-Divisional Officer for reasons best known appears to have not taken any decision on the suspension order. Moreover, though the petitioner was placed under suspension on 13.07.2018 till date she has also not been issued with any charge sheet, nor she has been proceeded for any disciplinary proceedings. This also would mean that beyond a period of 45 days, the suspension order ought to have been considered by the authorities for its revocation. This aspect has also not been looked into by the Sub-Divisional Officer.
5. Given the said facts and circumstances of the case, let the dispute of the petitioner be placed before the respondent No.2- Collector

Raipur, who in turn shall take into consideration the entire factual matrix of the case and pass an appropriate order within a period of 30 days and the Collector also would take into consideration the order of the Sub-Divisional Officer dated 05.10.2018 so far as the attachment part is concerned and appropriate decision would be taken accordingly.

6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved