

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 39 OF 2019**

1. Ravi Prakash Patel S/o Late Shri Bholanath Patel Aged About 40 Years
R/o C/o M. L. Sharma, Bhattipara, Margdarshan Road, Ward - 5,
Baikunthpur District - Koriya Chhattisgarh., District : Koriya (Baikunthpur),
Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through - The Director, Personal
Department, Head Quarter, Seepat Road, Bilaspur Chhattisgarh., District :
Bilaspur, Chhattisgarh
2. The General Manager (Personal/nee) South Eastern Coalfield Limited,
Head Quarter, Seepat Road, Bilaspur Chhattisgarh., District : Bilaspur,
Chhattisgarh
3. The General Manager (Mines)/ Sub Area Manager South Eastern
Coalfield Limited, Charcha Mine (RO), Baikunthpur District - Koriya
Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. The Area Personal Manager South Eastern Coalfield Limited, Area
Baikunthpur, District - Koriya Chhattisgarh., District : Koriya (Baikunthpur),
Chhattisgarh
5. The Senior Manager (Personal/NEE) South Eastern Coalfield Limited,
Head Quarter, Seepat Road, Bilaspur Chhattisgarh., District : Bilaspur,
Chhattisgarh

... Respondent(s)

For Petitioner	: Shri Vipin Tiwari, Advocate.
For Respondents	: Shri Vinod Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08.01.2019**

1. The dispute in the present writ petition revolves around the place of
posting of the petitioner on his being selected/promoted from the
post of General Majdoor to the post of Clerk Grade – III.
2. From the record it appears that the petitioner was initially appointed
under the respondents as a General Majdoor. He, thereafter,
participated in the selection process of Clerk Cadre and was
selected vide order Annexure- P/5 dated 02.06.2018 where the

name of the petitioner reflects at serial No. 485. On being selected as a Clerk Grade – III, the petitioner was posted to Kusmunda area of the respondents. It appears that the petitioner has not given his joining at Kusmunda. Meanwhile, there was a correspondence made by the respondents directing the petitioner to assume his duties as Clerk Grade – III at Charcha Mine. Thereafter, the present impugned order has been passed whereby the selection order of the petitioner dated 02.06.2018 has been cancelled and he has been reverted back to the post of General Majdoor.

3. Without going into the merits of the case concerned, it clearly reflects that the petitioner was undoubtedly given selection by order dated 02.06.2018 on the post of Clerk Grade – III. It appears that there was some mis-apprehension on the part of the petitioner on assuming duties at Kusmunda and thereafter there appears to be some internal correspondence showing the petitioner to be an employee of Charchamine as Clerk Grade- III.
4. Learned counsel for the petitioner makes statement before this Court that as on date petitioner is ready and willing to join on the place of posting where he was originally posted as Clerk Grade – III i.e. at Kusmunda Colliery.
5. Be that as it may, given the said facts and also taking note of the fact that the whole dispute revolves around the place of posting which has led to the issuance of the impugned order, this Court is of the opinion that the issue can be resolved by the respondent No. 1 by passing an appropriate fresh suitable order and directing the petitioner to report to Kusmunda within a stipulated period on the

post of Clerk Grade – III.

6. Let respondent No. 1 take a decision in this regard within a period of 60 days from the date of receipt of copy of this order. It shall be left to the respondent No. 1 to decide so far as the emoluments that the petitioner is entitled for, taking into consideration the nature and duty he has discharged during the intervening period.
7. With the aforesaid observation, the writ petition stands disposed off.
8. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge