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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 975 of 2019

Prakashmani Sahu S/o Late T. D. Sahu, Aged About 57 Years, Working As Assistant Engineer At Project Implementation Unit No.1, Chhattisgarh Rural Road Development Authority, Bijapur (CGRRDA), District – Bijapur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Panchayat And Rural Development Department, Mahanadi Bhawan, Atal Nagar New Raipur, Chhattisgarh
2. The Collector, Bijapur, District – Bijapur, Chhattisgarh
3. Shri G. K. Kashyap, In - Charge Executive Engineer, Office Of Project Implementation Unit No. 1, Chhattisgarh Rural Road Development Authority, Bijapur (CGRRDA), District – Bijapur, Chhattisgarh

---- Respondents

For petitioner : Shri Somkant Verma, Advocate.
For State : Ms. Sunita Jain, Govt. Advocate

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

14/02/2019

1. The dispute in the present writ petition revolves around the charge of the post of Executive Engineer at the Office of Project Implementation Unit No.1, Chhattisgarh Rural Road Development Authority, Bijapur.
2. The brief facts relevant for disposal of the present writ petition are that the petitioner while working as Incharge Executive Engineer (substantively holding the post of Assistant Engineer) was transferred on 10.09.2018 from Bijapur to Jadgalpur. The said order was subjected to challenge in WPS No. 6319/2018 and this Court granted an interim protection and disposed of the writ petition with liberty to the petitioner for making a

representation to the authority who in turn would decide the same. Meanwhile another order was passed by the Respondent State on 05.10.2018 thereby respondent no.3 was transferred to Bijapur and was made the Incharge Executive Engineer. This order of 05.10.2018 was also questioned by the present petitioner in WPS No. 7426/2018 which came up for hearing on 13.11.2018. This Court again disposed of the said writ petition holding that the order dated 05.10.2018 so far as respondent no.3 is concerned shall be kept in abeyance till the representation of the present petitioner, as per the order passed by this Court in WPS No. 6319/2018 dated 26.09.2018, was finally decided.

3. Now the respondents have passed an order on 24.12.2018 thereby earlier order of transfer of the petitioner from Bijapur to Jagdalpur stands cancelled and as a consequence he would remain at Bijapur. The difficulty is that in compliance of the order dated 05.10.2018, respondent no.3 has joined at Bijapur.

4. According to the petitioner, as per inter se seniority between petitioner and respondent no.3, the petitioner is senior. The dispute now confines only to the fact as to who would be the Incharge Executive Engineer which according to the petitioner by virtue of his seniority should be given to the petitioner.

5. Given the limited grievance that the petitioner has raised and the fact that the issue is now confined only to the extent of handing over the charge of the post of Executive Engineer, this Court is of the opinion that ends of justice would meet if the matter stands placed before respondent no.1 who in turn taking into consideration the inter se seniority between petitioner and respondent no.3 and also taking note of the policy decision of the State Govt. so far as handing over of charge is concerned, shall take an appropriate decision at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

6. Meanwhile, let status quo as it exists today be maintained till the final order is passed by respondent no.1. Needless to mention that while deciding the case, respondent no.1 shall take into consideration the two orders passed by this Court in WPS Nos. 6319/18 and 7426/18.

7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

Khatai