

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1018 of 2009

H.M. Aneshwari, Aged about 51 years, S/o. Late Deen Dayal,
Working as Election Supervisor, in the office of Collector-cum-District
Election Officer, District Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, through: the Secretary, Department of Revenue, D.K.S. Bhawan, Raipur, Chhattisgarh
2. Election Commission of India, through its Secretary, Nirvachan Sadan, Ashoka Road, New Delhi
3. Collector, District Dhamtari, Chhattisgarh
4. District Election Officer, District Dhamtari, Chhattisgarh
5. Chief Electoral Officer, Indrawati Khand, Mantralaya Campus, State of Chhattisgarh, Raipur, Chhattisgarh
6. Additional Collector-cum-Deputy District Election Officer, District Dhamtari, Chhattisgarh
7. Janpad Panchayat, Dhamtari, through its Chief Executive Officer, District Dhamtari, Chhattisgarh
8. Pradesh Lipik Wargiya Shashkiya Karmchari Sangh, Dhamtari, Qtr. No. H/77, Sinchayee Colony, Rudri, Tahsil and District Dhamtari, Chhattisgarh, through: its President Chandrika Singh.
9. President, District Dhamtari, Pradesh Lipik Wargiya Shashkiya Karmchari Sangh, Dhamtari Qtr. No. H/77, Sinchayee Colony, Rudri, Tahsil and District Dhamtari, Chhattisgarh
10. Secretary, General Administration Department, D.K.S. Bhawan, Raipur, Chhattisgarh
11. Shri Durgesh Parmar, Assistant Grade-II, Local Election, District Election Office, Dhamtari, District Dhamtari, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Raghvendra Pradhan, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G. and Ms. Shriya Mishra, Panel Lawyer
For respective Respondent	:	Ms. Juhi Jaiswal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/03/2019

1. The challenge in the present writ petition is to the order Annexure
P/1 dated 12.02.2009, whereby the charge of the Election

Supervisor in District Dhamtari was taken from the petitioner and ordered to be given to the respondent No.11-Shri Durgesh Parmar, Assistant Grade-II.

2. The contention of the petitioner is that the petitioner vide Annexure P/2 dated 05.03.2002 was substantially promoted to the post of Election Supervisor and since then the petitioner had been discharging the duties till the same was ordered to be handed over to the respondent No.11 vide the impugned order Annexure P/1 dated 12.02.2009.
3. Perusal of the record would show that the petitioner had obtained an interim order from this Court on 18.02.2009 and since then the petitioner pursuance of the interim order is still discharging the duties as an Election Supervisor at District Dhamtari.
4. Perusal of the record would also show that the order of promotion in favour of the petitioner dated 05.03.2002 has till date not been cancelled and still remains in force. That is to say that the petitioner substantially stands as a promoted officer to the post of Election Supervisor. The impugned order Annexure P/1 dated 12.02.2009 seems to have been made as a temporary arrangement as was then required.
5. This Court is of the opinion that down the line since more than 10 years have lapsed and the petitioner on account of the interim protection has been still discharging the duties of an Election Supervisor, the impugned order Annexure P/1 dated 12.02.2009 has lost its efficacy.

6. Accordingly, it is ordered that the respondent No.3 shall not further act upon the impugned order dated 12.02.2009 any further.
7. The powers of the respondents would however stand reserved to pass an appropriate order afresh in accordance with law, if need so arises. In view of the same, maintaining status quo as it exists today, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved