

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1494 of 2019

Harish Rathore S/o Shri Dev Prasad Rathore, Aged About 41 Years
Posted As Hostel Superintendent (Now Suspended) Resident, Of
Quarter No. MIG-II / 107, Pandit Ravishankar Shukla Nagar, Korba,
Post Kosabadi, District Korba Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Tribal Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur , District Raipur Chhattisgarh.
2. Commissioner, Department Of Tribal Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
3. Additional Commissioner, Tribal Development Korba, District Korba Chhattisgarh.
4. Collector (Tribal Development) Korba, District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Mr. B.L. Bhardwaj, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/03/2019

1. The only dispute in the present writ petition is the change of posting made by the Department on the revocation of suspension of the petitioner vide the impugned order Annexure P/1 dated 22.10.2018.
2. The petitioner was initially placed under suspension on 27.11.2017 while the petitioner was posted as a Hostel Superintendent of the Boys Pre-metric Tribal Hostel, Kartala, District Korba.
3. Now after the revocation of the suspension, after about a year's time, the petitioner has been ordered to be posted at the Pre-metric Tribal Caste Boys Hostel, Sayang, Block Korba, District Korba. The

petitioner is only aggrieved of the change of posting made in the impugned order of revocation of suspension.

4. The issue raised in the present writ petition has recently come up for adjudication before the Division Bench of this Court in the case of **“L.P. Saket v. Chhattisgarh State Civil Supplies Corporation Limited & others” WPS No. 7269/2017** wherein the Division Bench vide its judgment dated 15.11.2018 has categorically held that, it is the lien to the post, which stands protected and not the place of posting. On revocation of the suspension, the petitioner stands restored to his post, that he was working prior to his being placed under suspension. Thus, it cannot be said that the order of change of posting in any manner to be illegal or bad in law.
5. In the light of the judgment of the Division Bench of this Court in the case of **“L.P. Saket”** (supra) and also taking assistance from the Full Bench decision of the Madhya Pradesh High Court in the case of **“Asif Mohd. Khan v. State of Madhya Pradesh & others” 2015(4) MPLJ 406**, this Court is of the opinion that the petition does not have any merit. The same therefore deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge