

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1789 of 2019

Mahendra Kumar S/o Late Shri Ramdeo Ram Aged About 45 Years
Posted Hostel Superintendent, Pre - Matric Boys School, Chalgali,
Wadrafnagar, District Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Collector, (Tribal Welfare) District - Balrampur - Ramanujganj Chhattisgarh.
3. Assistant Commissioner, Tribal Welfare, District - Balrampur - Ramanujganj Chhattisgarh.
4. Manoharlal Jaiswal, Lecturer T.(L.B.) Government Higher Secondary School, Raghunath Nagar, Block Wadrafnagar District Balrampur - Ramanujganj Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/03/2019

1. The grievance of the petitioner in the present writ petition is the decision of the State Government dated 01.03.2019, where the charge of the Circle Coordinator, Wadrafnagar has been ordered to be handed over to the respondent No.4.
2. The contention of the petitioner primarily is that the respondent No.4 is substantially a teacher under the Education Department and the post of Circle Coordinator is one, which is under the Tribal Welfare Department and as such an employee of the Education Department cannot be assigned the duties of a post, which is otherwise to be discharged by the employees of the Tribal Welfare Department. In

addition, the petitioner has also raised the ground of the respondent No.4 being much junior to the petitioner and thereby the respondent No.4 on being appointed as the Circle Coordinator would create a situation where the senior persons are being supervised by a junior person.

3. Further contention of the petitioner is that the impugned order of changing the petitioner from the post of Circle Coordinator has been by an order of the Collector, which he otherwise could not have exercised, but could have been done only by the authorities in the Tribal Welfare Department.
4. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation in this regard to the respondent No.1 within a period of 10 days from the date of receipt of the copy of this order. The respondent No.1 in turn on receipt of the said representation of the petitioner, shall decide the claim in accordance with the rules and regulations governing the field.
5. Till the respondent No.1 takes a decision on the representation of the petitioner, the effect and operation of the impugned order so far as the petitioner and the respondent No.4 are concerned, shall remain stayed.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge