

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2300 of 2019**

Kuber Sahu S/o Late Shri Phool Singh Sahu, Aged About 59 Years,
R/o Near SBI Main Raod, Dantewada, District Dantewada,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department,
Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New
Raipur, District Raipur Chhattisgarh
2. Commissioner, Bastar Division, Jagdalpur, District Bastar,
Chhattisgarh
3. Collector, South Bastar, Dantewada, District South Bastar
Dantewada, Chhattisgarh
4. T. Shivshankar Rao, Assistant Grade - II, Office Of Collector, South
Bastar, Dantewada, District South Bastar, Dantewada, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate.
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.04.2019**

1. The only dispute in the present writ petition is the handing over of
charge of the post of Superintendent in the Office of the Collector,
South Bastar Dantewada to a person lower in rank where senior level

officers are available in the Department.

2. Contention of the counsel for the petitioner is that the petitioner is substantively holding the post of Assistant Superintendent and in the said capacity, he was given the charge of the office of Superintendent vide order dated 05.07.2016 and since then the petitioner was discharging the duty of Superintendent. However, vide the impugned order, the charge of superintendent has been withdrawn from the petitioner and it has been ordered to be handed over to respondent no.4 who is substantively an Assistant Grade-II level employee. According to the petitioner, he could not have been handed over the charge particularly when the senior level officers were available in the department. Moreover, the petitioner is senior to respondent no.4 and was holding the charge of Superintendent since long. Counsel for the petitioner submits that there are circulars of the State Govt. which say that the charge of an office has always to be given to next senior most person in the department which in the instant case is the petitioner, further there is no reason assigned why the said charge has been withdrawn from the petitioner and has been given to a person who is lower in rank to the petitioner.
3. Given the facts, let the petitioner make an objection/representation to respondent no.3 in this regard within a period of 10 days from today and respondent no.3 in turn shall process and consider the objection/representation of the petitioner in the light of the circulars of the State Govt. in respect of granting of charge. Till the representation/objection of the petitioner is decided by respondent no.3, let status quo as it exists today so far as the charge of the post

of Superintendent is concerned be maintained. Respondent no.3 is expected to decide the objection/representation of the petitioner within a period of 60 days from the date of receipt of the same along with the copy of this order.

4. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**

Khatai