

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4252 of 2019**

Smt. Anita Tigga W/o Shri Pradeep Kumar Rathor Aged About 29 Years
Posted As Hostel Superintendent, R/o M D 553, Dipka Colony, Gevra
Project , District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Tribal And Scheduled Caste Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner Tribal And Scheduled Caste Development , Block-4d, Ground Floor, Indrawati Bhawan, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Jyotram Nagwanshi Assistant Commissioner (Tribal Development), Ambikapur, Office Of Collector, Tribal Development , Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Collector (Tribal Development) Ambikapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Sanjay Dubey Chief Executive Officer, Janpad Panchayat Lundra, Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
6. Ku. Priyanka Ekka Hostel Superintendent, Post- Metric Girls Hostel, Lundra, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
7. Block Coordinator Block Development, Lundra, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Harsh Wardhan, Advocate
For State	:	Mr. Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/06/2019**

1. The challenge in the present writ petition is to the order Annexure P-13 dated 08.04.2019.
2. The facts of the case is that the petitioner who was initially discharging the duties of Hostel Superintendent at the Pre-Matric Girls, Hostel, Lundra, District Surguja, Ambikapur was placed under suspension on some charge of misconduct vide the order dated 24.12.2018. Subsequently the departmental enquiry also has been initiated. Pending the enquiry the department has now revoked the order of suspension and passed the impugned order dated 08.04.2019 Annexure (P-13).
3. Grievance of the petitioner is that by the impugned order the petitioner's place of posting has been changed which amounts to order of transfer particularly when there is total ban on transfer by the State Government.
4. From the narratives, as has been submitted by the petitioner himself, it is evidently clear that the petitioner was placed under suspension and was attached to the Head Quarters. The order of suspension now after a period of about four months have been revoked. On revocation of suspension, the petitioner had to be posted somewhere. The department has therefore issued an impugned order posting the petitioner as Hostel Superintendent at the Pre-Martic

Girls Hostel, Bandana, Mainpat, District Surguja. So far as the change of posting on the revocation of the suspension is concerned, the issue has already been decided by the Division Bench of this Court in the case of L.P. Saket Vs. State of Chhattisgarh, whereas it has been categorically held by the Division Bench that the employee on the revocation of suspension has only a lien to the post that she was holding. There can be no protection to the place of posting on the revocation of suspension.

5. Given the said facts, the impugned order does not seem to be in any manner violative of the service regulations governing the service conditions of the petitioner. So far as the impugned order being an order of transfer is concerned, this Court has no hesitation in holding that it is not an order of transfer, but it is only the order of posting which has been issued by the competent authority and is only an administrative order which is passed as a consequence of order of suspension getting revoked. The writ petition therefore fails and is accordingly rejected.
6. Though the petitioner had challenged the Annexure P-5 also in the writ petition but this Court is of the firm view that it is a separate cause of action which cannot be agitated in the present writ petition. Said liberty is reserved for the petitioner to assail the same separately, if he so chooses.

Sd/-

(P. Sam Koshy)
Judge