

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4239 of 2019

Bhagirathi Banjare S/o Late Shri Yadram Aged About 62 Years Working As Project Administrator, Integrated Tribal Development Project Korba And In - Charge Assistant Commissioner, Tribal Development Korba, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Aadim Jati Tatha Anusuchit Jati Vikas Vibhag, Mantralaya, Mahanadi Bhawan, Atal Nagar District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Commissioner, Aadim Jati Tatha Anusuchit Jati Vikas Vibhag, Indrawati Bhavan, Atal Nagar District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Shri N. K. S Dixit, Assistant Commissioner, Tribal Development Mungeli, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent No.4	:	Mr. A.S. Rajput, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/08/2019

1. The challenge in the present writ petition is to the order Annexure P/10 dated 23.05.2019. Vide the said impugned order the respondents have passed an order holding that the respondent No.4 shall stand transferred as the Assistant Commissioner, Tribal Welfare Department, District Korba, Chhattisgarh.
2. The grievance of the petitioner in the present writ petition seems to be that the charge of Assistant Commissioner, Public Works Department also was with the petitioner and the petitioner was to retire in a short span of time i.e. on the 30.09.2019, the respondents should not have disturbed the position

of the petitioner as an in-charge Assistant Commissioner till his retirement. The further contention of the petitioner is that the impugned order is also in violation of the order passed by this Court 16.04.2019 passed in WPS No. 2899/2019.

3. All said and done what is apparent from the records is that the petitioner admittedly substantially holds the post of Project Administrator, Integrated Tribal Development Project, Korba. He was given an additional charge as in-charge Assistant Commissioner, Tribal Welfare Department, District Korba. The impugned order now is one by which the charge of Assistant Commissioner is being taken from the petitioner and in place the respondent No.4 has been substantially posted as an Assistant Commissioner. The substantive status of the petitioner as the Project Administrator does not get adversely affected. The place of posting of the petitioner also is not affected in any manner. It is only the additional charge of Assistant Commissioner which the petitioner was discharging, which has been taken from the petitioner and in place the respondent No.4 has been posted. The petitioner as such may not have an indefeasible right against the post which he was holding as an in-charge Assistant Commissioner. The petitioner can only have a right to the substantive post and the substantive place of posting i.e. of the Project Administrator. Since there is no change, so far as the substantive post of the petitioner and the place of posting of the petitioner is concerned, this Court does not find any strong case made out by the petitioner to interfere with the impugned order Annexure P/10, the writ petition to that extent stands rejected.
4. The counsel for the petitioner also submits that the respondent No.4 was earlier posted at the same place and on account of certain alleged

misconduct the preliminary enquiry was also conducted and which is still pending and inspite of that the respondent/State has again brought the respondent No.4 at the same place of posting, where there is an allegation of irregularities committed by the respondent No.4. This aspect again is one, which has to be looked into by the State Government and it is expected that the respondent No.1 would look into the aspect and take all necessary steps if at all if there are any enquiry initiated or contemplated.

Sd/-
(P. Sam Koshy)
Judge

Ved