

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4854 of 2019

Kalam Singh Paikra S/o Shri Charan Singh Paikra Aged About 46 Years
Presently Working As Sub Divisional Officer, Public Works Department,
Sub Division Balod, District Balod Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, Public Works Department, Mahanadi Bhawan, Atal Nagar Raipur Chhattisgarh.
2. Executive Engineer Public Works Department, Electrical and Mechanical Durg Division, District Durg Chhattisgarh.
3. Uday Raj, Assistant Engineer, Presently Posted at Office of the Executive Engineer Public Works Department (E & M), Bilaspur Division, District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Gary Mukhopadhyay and Shri Ravindra Sharma, Advocates.
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/07/2019

1. Challenge in this petition is to the order dated 20.06.2019 whereby the respondent No.3 has been posted as Sub Divisional Officer (SDO) at Balod.
2. The contention of the petitioner is that, the petitioner who is substantively an Assistant Engineer and senior to the respondent No.3 was initially working in the office of the Chief Engineer, Durg. That, vide order dated 05.10.2017 the petitioner has been given the additional charge of the SDO, Balod. Without there being any change to the said order dated 05.10.2017, the respondent No.3 has been posted at Balod and thereby as of now there could be a situation of the petitioner as well as respondent No.3 being posted at Balod itself. Further contention of the petitioner is that, at Balod there is only one sanctioned post of Assistant Engineer as per the set-up.

3. All said and done, what is apparently clear from the documents which are enclosed with the writ petition is that the petitioner is substantively an Assistant Engineer posted in the office of the Executive Engineer, Durg. The petitioner meanwhile has been granted the additional charge of SDO, Balod. The petitioner, as in-charge of the sub-division does not have an indefeasible right to continue on the said post particularly when the respondents now vide impugned order have made a regular posting. The petitioner can only have a claim against his substantive posting which is in the office of Chief Engineer, Durg and against which there is no order bringing any change in his posting.
4. Given the said facts, this court is of the opinion that no strong case is made out by the petitioner calling for an interference with the impugned order for the reason that substantive posting of the petitioner has not been disturbed by the issuance of the impugned order. That, the petitioner continues to the rolls where he was substantively posted i.e. in the office of the Chief Engineer, Durg.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge