

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4772 of 2018

Mukesh Gupta Late Maniklalji Gupta, Aged About 61 Years, R/o Vinoba Nagar, Bilaspur, P.S. Civil Lines Bilaspur, District Bilaspur, Chhattisgarh. Pin - 492009.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Khadya Nagrika Aapurti Avm Upbhokta Sanrakshan Vibhag, 2nd Floor, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. The Under Secretary, Chhattisgarh State Government Khadya Nagrik Aapurti Avm Upbhokta Sanrakshan Vibhag, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Collector, (Khadhya Shakha), Balodabazar - Bhatapara Chhattisgarh.

---Respondents

For petitioner	:	Shri Anand Mohan Tiwari, Advocate.
For State	:	Shri Rahul Mishra, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/01/2019.

1. The challenge in the instant Writ Petition is to the order Annexure-P/1 dated 30/05/2018 whereby the representation which the petitioner had preferred against the place of posting on the revocation of his suspension order has been rejected.
2. The facts of the case in brief is that, the petitioner was initially placed under suspension vide order dated 23/12/2015. The said order stood rejected on 26/02/2018. However, while the suspension order was revoked, the petitioner has been posted at District Sukma instead of Balodabazaar from where the petitioner was initially placed under suspension.

3. The petitioner preferred a Writ Petition challenging the change of place of posting on revocation of suspension vide WPS No. 2657/2018 and this Court vide order dated 28/03/2018 disposed off the said Writ Petition with a direction to the respondents to consider the representation at the earliest in respect of his change of posting. While disposing off the Writ Petition, this Court had observed the fact that, the petitioner has got very short period of service left for retirement and it would not be advisable at this age for transferring the petitioner to so far a distance that too to a core scheduled area.

4. The respondent authorities vide the impugned order has rejected the representation which has led to the filing of the instant Writ Petition.

5. The reason assigned in the impugned order is that, the petitioner all along his entire service career has never been posted in a Scheduled Area.

6. The counsel for the petitioner at this juncture referring to the fact that, the petitioner under the unified State of Madhya Pradesh had been working in a Scheduled Area for a considerable long period of time and that now he is to retire in the month of April-2019 and therefore he has made a request that he be permitted to resume at his original place of posting i.e. at Balodabazaar so that he can retire comfortably without causing any inconvenience either to himself or to his family members.

7. This aspect has not been dealt with by the respondents while deciding the impugned order in spite of directions by this Court while disposing of the Writ Petition. The impugned order infact remains silent on these facts and

situation moreover the petitioner's representation has not been considered by a reasoned order. The entire representation has been rejected by one liner stating that there does not seem to be any merit in his case.

8. Considering the fact that the petitioner has got just about 3-4 months of service left for his retirement, this Court is of the opinion that, the impugned order needs reconsideration on sympathetic grounds.

9. Given the said facts, the impugned order is set-aside/quashed and the matter stands remitted back to the respondent No.1 to take a decision afresh in the case of the petitioner so far as his place of posting is concerned keeping in view the period of service left for his superannuation.

10. It is expected that the respondent authorities shall take a fresh decision within a period of 45 days from the date of receipt of copy of this order.

11. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit