

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4881 of 2015**

- Gorelal Thakur @ G. L. Thakur S/o Late R.S. Thakur, Aged About 56 Years Presently Working As Superintendent Physical Plant Superintending Engineer, At Indira Gandhi Agricultural University, Raipur, R/o Shivesh Sadan, Main Road, Kota, Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Indira Gandhi Agricultural University, Through Its Registrar, Krishak Nagar, Raipur, Chhattisgarh
3. Chairman, Chhattisgarh Tourism Board, Paryatan Bhavan, Indira Gandhi Marg, Raipur, Chhattisgarh
4. Shri Yashwant Sahu, Sub Divisional Officer, Rural Engineering Services, Balod Division, District Balod, Chhattisgarh

---- Respondents

For Petitioner	:	Shri P.R. Patankar, Advocate
For Respondents/State	:	Shri Avinash Singh, PL
For Respondent No.3	:	Ms. Shruti Parmar, Advocate appears on behalf of Shri A.S. Kachchwaha, Advocate
For Respondent No.4	:	Shri Prateek Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/11/2019**

1. Heard.
2. The present petition has been filed on the ground that the petitioner was

holding the post of Executive Engineer in the C.G. Toursim Board, he was sent on deputation to the post of Superintendent Physical Plant (Superintending Engineer) at Indira Gandhi Agricultural University by order dated 03.06.2014 (Annexure P-1). Subsequently, by order dated 10.12.2015 (Annexure P-5) respondent No.4 Yashwant Sahu, SDO, Rural Engineering Services was appointed to the post of incharge Superintendent, Physical Plant and the services of the petitioner were repatriated to the parent department. It was under these circumstances the challenge was made whereby the petitioner was repatriated to the parent department.

3. It is contended by the petitioner that the respondent No.4 was not qualified to be appointed as Superintendent Physical Plant as the post is to be filled only by deputation, therefore, since it was done by unqualified person, this Court by an interim order dated 17.12.2015 has stayed the repatriation thereby the petitioner continued. It is further contended that presently the respondent No.4 has retired and in his place one A.K. Dave has been appointed and therefore, moved an application to implead A.K. Dave as respondent.
4. Per contra learned counsel for respondent No.4 and learned State counsel would submit that it is only the question to the repatriation to the parent department. It is further contended as a subsequent development because of a raid conducted under the Prevention of Corruption Act, the petitioner has been suspended and presently A.K. Dave has been appointed. During the course of argument, the order of suspension of the petitioner was placed.
5. Be that as it may, perusal of the record would show that as per Annexure P-3 the post of Superintendent Physical Plant are to be filled by deputation from the

department of Water Resources, Agricultural Engineering, Public Works and Rural Engineering Services. The grievance of the petitioner was primarily against the respondent No.4 was that he was unqualified to be appointed who stands retired as of now. Even otherwise, the petitioner cannot claim the lien over the post as the petitioner belongs to the department of Tourism Board and the petitioner cannot claim on the basis of the self certification that he is the only person qualified and competent to be appointed to such post. It is the prerogative of the Government to choose who would be the best person for a particular post. Furthermore, the petitioner as appears has now been suspended on 05.08.2019 consequently, the appointment subsequently made that of one A.K. Dave has to be sailed through and it has to be given effect. Consequently at this juncture no further relief can be granted to the petitioner as the petitioner has already enjoyed the fruits of litigation on the basis of the interim order.

6. The petition being devoid of substance as now with the subsequent development of facts is dismissed.

Sd/-

Goutam Bhaduri
Judge