

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8003 of 2019

Oskar Kujur S/o Late Patras Kujur Aged About 58 Years Occupation - Service, Presently Posted As - Sr. Society Inspector, In The Office Of Sub Registrar, Cooperative Society, Raigarh, Distt. Raigarh Chhattisgarh R/o. Qtr No. Hig/40, Sada Colony, Jamnipali, P.S. Darri, Korba, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Cooperative Society, Indrawati Bhawan, Atal Nagar, Raipur, Distt. Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Registrar Office Cooperative Society, Indrawati Bhawan, Atal Nagar, New Raipur Chhattisgarh, Through Its Registrar., District : Raipur, Chhattisgarh
3. Asst. Registrar Cooperative Society, Beejapur, Distt. Bejapur Chhattisgarh, District : Bijapur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Vivek Verma, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/09/2019

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 19.12.2018, whereby upon revocation of suspension the petitioner has been posted as a Senior Cooperative Inspector at Beejapur.
2. The order Annexure P/1 is in two parts, first part is the order of punishment of stoppage of two annual increments with cumulative effect. That the second part deals with the revocation of suspension and posting of the petitioner. The imposition of punishment is not under challenge in the present writ petition. The challenge is only to the extent of posting the petitioner at Beejapur. The contention of the petitioner is that the order of posting of the petitioner at Beejapur is also an order of punishment as the order of posting him at Beejapur is in continuation to the punishment imposed by the respondents and moreover Rule 10 of the Civil Services

(Classification, Control & Appeal) Rules, 1966 does not provide for transfer as a mode of punishment.

3. At the outset, this Court is of the firm view that the order of posting the petitioner at Beejapur is not one, which could be construed as an order of punishment. From the given facts, what is undisputed is that the petitioner was placed under suspension way back on 11.02.2013 and during the period of suspension his headquarter was attached at Raigarh, thereafter the departmental enquiry was initiated and the departmental enquiry finally resulted in the infliction of the punishment of stoppage of two annual increments with cumulative effect.
4. The later part of the order is only the consequential order, whereby on the petitioner being inflicted with a punishment, the respondents have revoked the order of suspension and have granted posting to the petitioner. The contention of the petitioner is that on his revocation of suspension, he ought to had been posted at the same place, where the petitioner was working at the time of the petitioner being placed under suspension. This contention of the petitioner is not sustainable for the reason that from 2013 to 2019, it cannot be presumed that the respondents would keep that post vacant awaiting the revocation of suspension of the petitioner. Moreover, the Division Bench of this Court in the case of ***“L.P. Saket v. Chhattisgarh State Civil Supplies Corporation Limited & others” WPS No. 7269/2017*** decided on 15.11.2018 have clearly held that on revocation of suspension, the lien of the post is, what is secured not the place of posting.
5. The other ground of the petitioner that the order of posting of the petitioner to Beejapur being an order of punishment also is not acceptable for the reason that the revocation of the suspension is a consequential order after the punishment being imposed on the petitioner. Instead of two separate orders being passed, the respondents having passed one order inflicting

the petitioner with a punishment of stoppage of two annual increments with cumulative effect and at the same time revoking the order of suspension and posting the petitioner at a place which cannot be construed to be an order of punishment. This Court does not find any strong case made out by the petitioner calling for an interference with the impugned order so far as posting of the petitioner at Beejapur is concerned.

6. The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved