

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7647 of 2019

M. P. Khare S/o Shri D.R. Khare Aged About 56 Years Presently Posted As
In - Charge Executive Engineer, Rural Engineering Services Division
Bijapur R/o - G A D Colony, Bijapur, District Bijapur Chhattisgarh., District :
Bijapur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Rural Engineering Services
Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
2. Deputy Secretary Rural Engineering Services Department, Mantralaya,
Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. Engineer In Chief Rural Engineering Services Indrawati Bhawan, Naya
Raipur, District Raipur Chhattisgarh.
4. Superintendent Engineer Rural Engineering Services Department, Circle
Bijapur, District Bijapur Chhattisgarh.
5. Vijay Kumar Komare Executive Engineer Project Implementation Unit No.
2 Chhattisgarh Sadak Vikas Abhikaran Bijapur District Bijapur
Chhattisgarh.
6. Ashok Kumar Singh Sub - Divisional Officer Rural Engineering Services
Sub - Division Nawagarh District Janjgir - Champa Chhattisgarh.
7. Shyam Lal Rathore Assistant Engineer / Sub - Divisional Officer Rural
Engineering Services Sub - Division Sahaspur Lohara District Kabirdham
Chhattisgarh.
8. A. D. Dani Assistant Engineer Rural Engineering Services Dharsiwa
District Raipur Chhattisgarh.
9. K. K. Shrivastav Assistant Engineer / In Charge Executive Engineer, R R N
M U Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ishan Verma, Advocate.
For State	:	Shri Anshuman Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

18/09/2019

1. The grievance of the petitioner in the instant case is that the petitioner earlier was made in-charge Executive Engineer in the Rural Engineering Services Department, District Bijapur. Subsequently the respondents have vide Annexure P-1 dated 22.08.2019 posted Shri Vijay Kumar Komare as a regular Engineer at Bijapur and petitioner stood posted back as Assistant Engineer at his substantive place of posting Bhopalpatnam, District Bijapur.
2. The grievance now is that in the State there are many other places where juniors to the petitioner are holding the post of In-charge Executive Engineer and therefore the petitioner deprived of his claim for being appointed as the In-charge and case of the petitioner should also be considered for the same.
3. This Court finds the request of the petitioner to be most innocuous for the reason that petitioner first of all does not have substantive right of claiming to be appointed as In-charge Executive Engineer. The practice of making the In-charge Executive Engineer or granting of incharge posting is always done as a temporary arrangement on account of vacancies that falls at a particular station. It is always practice of the department and it is the circular of the State Government to ensure that in-charge post is always given to the senior most persons in the early hierarchy available in the station. It is not the case of the petitioner that the petitioner is being forced to work under the somebody who is junior to the petitioner. The petitioner fairly concedes that by Annexure P-1 petitioner does not

any substantive grievance. Grievance only seems to be at different location someone junior to the petitioner holding the charge of in-charge Executive Engineer. The said arrangement if at all is an arrangement by the respondents against which the petitioner cannot have a substantive claim or indefeasible right as such, since the petitioner is posted at a different station and where the petitioner stands substantively posted.

4. Given the said facts, this Court does not find any strong case made out by the petitioner for appropriate direction to the respondents in this regard. It is always expected that respondent State Authorities would ensure that seniority subject to the merit would always be borne in mind while giving the charge to a person on a higher post in the hierarchy which falls vacant for any reasons.
5. Our reluctance in entertaining the writ petition would not preclude the petitioner from approaching the authorities for any suitable posting as an In-charge Executive Engineer.
6. With the aforesaid observations, the writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit