

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 1298 of 2018**

Mahesh Kumar Tunde S/o Shri Rambaks Tunde, Aged About 38 Years R/o Village And P. O. Budhar, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

---- Petitioner**Versus**

1. Shri K.K. Bisen, Chief Conservator Of Forest, Forest Circle Sarguja, Ambikapur, District Ambikapur, Chhattisgarh.
2. Shri Imo Temsu Ao Divisional Forest Officer, Koriya Division, Baikunthpur, District Koriya, Chhattisgarh.

---Respondents

For petitioner	:	Ms. Meena Shastri, Advocate.
For Respondents	:	Mr. Sanjay Patel, Ms. Swati Verma on behalf of Mr. Alok Bakshi, Advocates for Respective Respondents.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/03/2019**

1. The present contempt petition has been filed alleging willful non-compliance of the order dated 06.10.2018, passed in WPS No. 6672/2018.
2. For ready reference it would be relevant to mention that vide order dated 06.10.2018 this Court had granted an interim protection to the petitioner so far as the order dated 14.09.2018 to the extent of change of posting of the petitioner. Though this Court had stayed the effect and operation of the order dated 14.09.2018 to the extent of change of posting is concerned, it is alleged that the respondents have not complied with the same, which led to the filing of the contempt petition.

3. The respondents however entered appearance and submit that the order has since been duly complied with and the petitioner has been ordered to be posted at the same division, where he was working prior to his being placed under suspension and thus the order stands complied.
4. At this juncture the counsel for the petitioner submits that, though the petitioner has been posted at the same place, but he has not been given the same work, that he was discharging prior to his being placed under suspension and he has been assigned the special duties, which again would constitute change of posting and therefore the action on the part of the respondents amounts to willful disobedience and non-compliance of the order passed by this Court on 06.10.2018.
5. This Court on going through the contempt petition and the documents attached therefore, finds that initially the petitioner was suspended vide order dated 16.04.2018. At that point of time, the petitioner was posted at Zone Khadgawan, District Koriya as an officer. On revocation of suspension of the petitioner, he was revoked on 07.08.2018 and the petitioner was posted at office of the Director, Gurughasidas National Park, Baikunthpur.
6. Subsequently, the said order dated 07.08.2018 was modified vide order dated 26.10.2018 and the place of posting of the petitioner stood modified from the office of Director, Gurughasidas National park and the petitioner was ordered to be posted back at the Zone Khadgawan, District Koriya Forest Division , Baikunthpur, on special duties.
7. At this juncture, it would be relevant to refer to the judgment recently passed by the Division Bench of this Court in **WPS 7269 of 2017**, in

the case of **L.P. Saket Vs Chhattisgarh State Civil Supplies Corporation Ltd. And Ors**, decided on 15.11.2018 wherein the Division Bench of this Court in Paragraph 14 has held as under :-

“The question of law for which the reference was made has been answered in the preceding paragraphs of this order. To sum, it cannot be a thumb rule that an employee whose suspension has been revoked has a right to be posted and continued in the same place of posting on revocation of suspension, as he only has a lien on the post and not on the place of posting.”

8. Given the aforesaid decision of the Division Bench of this Court and also taking note of the fact that the petitioner since has been ordered to be posted back at zone Khadgawan, District Koriya, the petitioner as such stands posted back at the same place where he was discharging his duties prior to his being placed under suspension. Neither the post of the petitioner is changed nor the place of posting changed by virtue of the revocation of suspension except for the nature of duties assigned after revocation of suspension. This by itself would not amount to change of posting and as such the same would not fall within the ambit of contempt.
9. In view of the same, this Court is of the opinion that the no contempt as such has been made out and the contempt petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge