

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3304 of 2020**

- Chandrakant Gajendra S/o Pancham Singh Gajendra, Aged About 50 Years Upper Division Teacher, R/o House No. 176, Ahead Shiv Mandir, Girdhari Nagar, Ward No. 09, Durg, District Durg Chhattisgarh. **---- Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Director, Directorate, Public Education, Indrawati Bhawan, Agal Nagar, Nawa Raipur, District Raipur Chhattisgarh/
3. Division Joint Director, Education Division, Durg, Office At Infront Of District Panchayat, G.E. Road, Durg Chhattisgarh.
4. District Education Officer, Durg, District Durg Chhattisgarh.
5. Block Education Officer, Durg, District Durg Chhattisgarh.
6. Block Education Officer, Patan, District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Praveen Dhurandhar, Advocate
For State	:	Mr. Amrito Das, AAG.

Hon'ble Shri Justice Goutam Bhaduri**Order****21-08-2020**

1. Learned counsel for the petitioner would submit that the petitioner was suspended by order dated 22-2-2020 (Annexure P/3) and after departmental enquiry, suspension was revoked

by order dated 21-7-2020 (Annexure P/1). At the time of suspension, the petitioner was posted at Government Gaya Bai Middle School, Block and District Durg and after suspension is revoked on 21-7-2020 (Annexure P/1), he has been posted at different place i.e., at Government Middle School, Keshara, Bock Patan, District Durg. He would further submit that as per the law down in WPS No. 3146 of 2015 (Annexure P/4) after suspension is revoked, the petitioner cannot be posted to other place, therefore, this part of the order that the petitioner has been placed and posted at Government Middle School, Keshara, Bock Patan, District Durg requires to be struck down.

2. *Per contra*, learned State counsel would submit that the issue involved in this case has been adjudicated by the Division Bench of this court in **WPS No. 7269 of 2017 (L.P. Saket vs. Chhattisgarh State Civil Supplies Corporation Ltd through the Managing Director and others)** wherein reference was made on the same issue as to whether an employee placed under suspension would have a right to be posted back to the same place of posting after revocation of suspension or he can be given another place of posting and submits that this issue has been decided and it cannot be a thumb rule that an employee whose suspension has been revoked has a right to be posted and continued on 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.

3. Considered the issue involved in this petition.
4. Perused the order dated 15-11-2018 passed by the Division Bench of this Court in WPS No.7269 of 2017 wherein specific reference was made on the issue as to whether after revocation of suspension place of posting can be changed. The Division Bench of this Court has held that when suspension is revoked, then the employee has no 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.
5. Considering the judgment rendered by the Division Bench of this Court in L.P. Saket (Supra), the impugned order (Annexure P/1) which has been assailed appears to be correct, therefore, the impugned order (Anenxure P/1) whereby the petitioner after revocation of suspension has been placed/posted at Government Middle School, Keshara, Bock Patan, District Durg does not require any interference.
6. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju