

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 492 of 2021

1. Alexender Graham S/o Late A.K. Graham Aged About 56 Years Resident of Quarter No. 24/2, Nehru Nagar (East), Bhilai, District Durg, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Water Resource Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Chhattisgarh
2. The Engineer-In-Chief Water Resources Department, Chhattisgarh, Shivnath Bhawan, North Block Sector- 19, Atal Nagar, Nawa Raipur, Chhattisgarh
3. Suresh Kumar Pandey Substantially Posted As Assistant Engineer, Office Of Chief Engineer, Mahanadi Project, Water Resources Department, Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Shri Shashank Thakur, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.
For respondent No.3	:	Shri Prafull Bharat with Shri Vivek Kumar Shrivastava, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.02.2021.

1. The Challenge in the present writ petition is to the impugned order Annexure P/1 dated 31.12.2020 whereby the respondent No. 3 has been given charge of post of Executive Engineer at Tandula Division, Shivnath Circle, District Durg.
2. At the outset, this court is of the opinion that vide the impugned order none of the rights or privileges of the petitioner working on the post of Executive Engineer at Shivnath Circle is being adversely affected or infringed giving rise to a cause of action for the petitioner to approach this court by invoking writ jurisdiction.
3. The respondent No.3 though has been made incharge Executive Engineer inspite of being an Assistant Engineer but the fact still remains that the respondent No.3 has not been posted or would be discharging his duties

as superior officer to the petitioner and as such the petitioner's service condition or status that the petitioner is enjoying as an Executive Engineer at Shivnath Circle would not be in any manner adversely affected.

4. Unless the right of the petitioner is affected or infringed either directly or indirectly, only on the ground of petitioner's expectation that the post should have been given to the petitioner by itself would not be a ground calling for an interference to the impugned order at this juncture.
5. It is always the prerogative of the State authorities to decide granting of charge to which officer. Though the State Govt. has issued a circular in this regard, but that circular is for the persons posted at the same place. It is not a case where the petitioner is working at Tandula Division and the charge has been given to an Assistant Engineer inspite of petitioner being working at the said place. It is also not a case where the respondent No.3 has been sent to a place where the petitioner was discharging his duties. The petitioner was not discharging his duties at Tandula Division till now. For this ground also the petitioner cannot have a claim for the said post.
6. The writ petition thus being devoid of merit deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge