

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1176 of 2021

1. Jaiprakash Chandrakar S/o Shri Nammu Ram Chandrakar Aged About 43 Years R/o Village Aanda, Police Station Aanda , District Durg, Occupation Sub Engineer, Janpad Panchayat Nawagarh, District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development , Chhattisgarh, Rajya Mantralaya ,Mahanadi Bhavan Police Station Mandir Hasaud, Naya Raipur Chhattisgarh.
2. Executive Engineer Rural Engineering Services Division Bemetara, District Bemetara Chhattisgarh.
3. Chief Executive Officer Zila Panchayat Of Bemetara, District Bemetara Chhattisgarh
4. Ashok Kumar Yadav, Sub Engineer, Janpad Panchayat Navagarh, District Bemetara Chhattisgarh.

---Respondents

For Petitioner	:	Shri Pallav Mishra, Advocate.
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.03.2021

1. The grievance of the petitioner in the present writ petition is the handing over the charge of Sub-Division, Rural Engineering Services, Navagarh District Bemetara to the Respondent No. 4, in-spite of the fact that the petitioner is senior to the respondent No. 4 and is posted at the same place.
2. According to the petitioner, the said act on the part of the respondents i.e. the issuance of the order Annexure P/1 dated 19.01.2021 is contrary to the guidelines framed by the State Government themselves whereby there is a specific instruction that the charge should always be handed over to the senior most person in the department.

3. The State Counsel on the previous date of hearing was directed to seek instruction but today when the matter is taken up the State Counsel submits that he could not obtain the instruction and prays for further time.
4. Considering the fact that the dispute is only in respect of handing over of the charge of the post of Executive Engineer to a person junior, particularly when the seniors were available in the department at the same place of posting, this Court is of the opinion that the writ petition therefore can be disposed of at this stage itself, directing the respondent No. 2 to take an appropriate decision on the representation which the petitioner has made in this regard. The decision of the respondent No. 2 should be purely taking into consideration the Government instruction dated 04.08.2011 dealing with the question of granting of charge.
5. Let an appropriate decision be taken at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha