

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) No. 3816 of 2021**

- Sharad Shrivastava, S/o Shri Santkumar Shrivastava, aged about 49 years, R/o Ward No.6, Jain Mohalla, Chhuikhadan, District Rajnandgaon (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Water Resources Department, Mahanadi Bahvan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (CG)
2. Chief Engineer, Mahanadi Godavari Kachhar, Water Resources Division, Raipur, District Raipur (CG)
3. Executive Engineer, Water Resources Division, Chhuikhadan, District Rajnandgaon (CG)
4. Sub Divisional Officer, Pipariya Project Work, Water Resources Division, Chhuikhadan Top, District Rajnandgaon (CG)

... Respondents**WRIT PETITION (S) No. 3818 of 2021**

- Brijendra Mahobia, S/o Late Shri Ramakant Mahobia, aged about 46 years, R/o Ward No.7, Near Gayatri Mandir Chhuikhadan, District Rajnandgaon (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Water Resources Department, Mahanadi Bahvan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (CG)
2. Chief Engineer, Mahanadi Godavari Kachhar, Water Resources Division, Raipur, District Raipur (CG)
3. Executive Engineer, Water Resources Division, Chhuikhadan, District Rajnandgaon (CG)
4. Sub Divisional Officer, Water Resources, Sub Division, Chhuikhadan, District Rajnandgaon (CG)

... Respondents

For Petitioners	:	Ms. Smita Jha, Advocate.
For Respondents	:	Ms. Binu Sharma, Panel Lawyer.

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

27/07/2021

1. Aggrieved by Order dated 15.6.2021 (Annexure P-1), the present two Writ Petitions have been filed by the respective Petitioners herein.

2. Vide the impugned Order upon which the Petitioners have been promoted from Class-IV to Class-III cadre, their place of posting have been shifted against which they have grievance.

3. Learned Counsel for Petitioners submits that the State Government has issued a Circular on 27.5.2020 which has further been renewed for one more year vide Order dated 26.4.2021 whereby the State Government has decided not to disturb the place of posting of its employees as far as possible. In the aforementioned two Orders, the State Government has also mentioned that even in the event of employees getting promoted, endeavour should be made to retain them at the same place by upgrading the post as far as possible.

4. Learned Counsel for Petitioners further submits that, bare perusal of the order of promotion would reveal that except for the two Petitioners herein all the other employees, who have been promoted, have been retained at the same place, thus, the Petitioners herein seems to be victimized for no fault of theirs. Petitioners have also made representation to the higher Authorities in the Department in this regard.

5. Learned Panel Lawyer appearing for Respondents submits that so far as the policy of the State Government is concerned, the observation is only to accommodate the employees at the same place even on promotion as far as possible. In this case, the fact that only two of the employees i.e. the Petitioners herein have been affected, it goes to show that the Department has tried to accommodate maximum persons as far as possible.

6. Given the aforesaid facts and circumstances of the case and also taking note of the fact that in the entire pleadings there is no averment so far as any malafide in the issuance of the impugned Order and in the

change of place of posting are concerned, this Court does not find any strong case made out by Petitioners calling for an interference with the impugned Order.

7. However, since the Petitioners have represented before the Respondents ventilating their grievances so far as change of place of posting is concerned, the Respondents are directed to consider their representation in accordance with the rules, regulations and policies governing the field, at the earliest, preferably within a period of 45 days from the date of receipt of copy of this Order.

8. Both the Writ Petitions accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sbarad/