

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5649 of 2021

1. Lalit Kumar Raute S/o Late Shri R.S. Raute Aged About 36 Years R/o Bhatagaon, Raipur, District Raipur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
2. Engineer-In-Chief Water Resources Department, Shivnath Bhawan, Nawa Raipur, Atal Nagar, Raipur, District Raiur, Chhattisgarh.
3. Sharad Chand Kakkad Assistant Engineer (Design), Office Of Engineer-In-Chief, Water Resources Department, Shivnath Bhawan, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Manoj Paranjpe and Shri Anurag Singh, Advocates.
For Respondents-State	:	Shri Amit Buxy, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.10.2021

1. Aggrieved by the order 24.09.2021 (Annexure P/1), the present writ petition has been filed. Vide the said impugned order the respondent No.3 has been assigned the duties of the office of the Executive Engineer, Mahanadi Project.
2. The grievance of the petitioner is that till now the said post of incharge Executive Engineer Mahanadi Project was being discharged by the petitioner. The petitioner was assigned the said responsibility vide order dated 18.05.2021 (Annexure P/2).
3. The contention of the petitioner is that he is not aggrieved by the order Annexure P/1 so far as posting of respondent No.3 is concerned. All that he is aggrieved of is that the petitioner as such has not been posted at a different place. Therefore there is some confusion in the mind of the

petitioner as to where he should report back upon handing over the charge to respondent No.3.

4. At this juncture, the counsel for the State drew the attention of this court to Annexure P/2 which clearly reflected that it was only a temporary arrangement made on account of the post of Executive Engineer falling vacant when the petitioner was made the incharge Executive Engineer. However, vide the very same order it was also specifically mentioned that the salary and other benefits would be drawn from the substantive place of posting where the petitioner was discharging his duties prior to 18.05.2021 i.e. at the office of the Engineer in Chief, Water Resources Department, Shivnath Bhawan, New Raipur.
5. This court has no hesitation in holding that the confusion and apprehension that the petitioner has in his mind should not be there and is only an apprehension, for the reason that the petitioner substantively stands posted in the office of Engineer in Chief, Water Resources Department, Shivnath Bhawan and vide Annexure P/2 the petitioner was only made incharge Executive Engineer for the Mahanadi Project. The moment somebody else is posted with regular charge of Executive Engineer at Mahanadi Project, the petitioner's status would roll back to the substantive place of posting i.e. in the office of Engineer in Chief, Water Resources Department. In any case, during all these period also when he was discharging the duties as an incharge Executive Engineer his salary were all being drawn from his substantive place of posting i.e. from the office of Engineer in Chief, Water Resources Department.
6. Given the said facts, this court does not find any strong case made out by the petitioner calling for an interference with the impugned order.
7. The writ petition accordingly stands disposed of.

8. The reluctance on the part of this court in entertaining the writ petition would not preclude the petitioner from approaching the higher authorities in the department, if at all, if he is still aggrieved of the impugned order on the administrative side.

Sd/-
(P. Sam Koshy)
Judge

inder