

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5108 of 2020**

C.P. Sharma S/o Late Shri K.N. Sharma Aged About 55 Years Posted On
The Post Of Project Officer, Integrated Child Development Scheme, Devri,
District Balod (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue Department,
Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. The Collector District Balod (Chhattisgarh)
3. The Sub-Divisional Officer (Revenue) Balod, District Balod (Chhattisgarh)
4. Shri Ramratan Dubey, Tahsildar, District Balod (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. T. K. Tiwari, Advocate
For State	:	Ms. Akansha Jain, Dy. GA

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

11/01/2021

1. The grievance of the petitioner in the present writ petition is to the inaction on the part of the respondent No.2 & 4 in ensuring that the vehicle bearing No. CG02 7430 allotted to the department in which the petitioner was working in the year 2018 back to the same Department.
2. The facts of the case is that the aforementioned vehicle was allotted to the office of the Project Officer, Integrated Child Development Scheme in the year 2018, the petitioner being the Project Officer of the same Scheme was in charge of the aforementioned vehicle. In the wake of COVID- 19 Pandemic and imposition of Section 144 by the District Administration the vehicle was taken back by the respondent No.2. for meeting the emergent

situation then. Subsequently when the situation normalized a little bit the respondent No.2 has ordered to return back the aforesaid vehicle which was earlier acquired. However, in spite of the order passed by the respondent No.2 the vehicle has not been released back to the petitioner and same has been illegally withheld by the respondent No.4, who in turn now seems to be the approaching the higher authorities in the Department ensuring that the vehicle does not go back to the petitioner or the Integrated Child Development Project under the Integrated Child Development Scheme.

3. On the previous date when the matter was taken the State counsel was asked to seek instructions, the State counsel today on instructions submits that the respondent No.4 has approached the higher authorities so as to retain the said vehicle by the respondent no.4 and therefore the same could not be released.
4. Having heard the contentions put forth on either side what is admittedly established from the records and which has not been disputed by the State counsel on instructions is that the vehicle was initially in the past allotted to the Project office under the Integrated Child Development Scheme in the year 2018. The vehicle was under the control of the petitioner in the capacity of the Project Officer under the said scheme. The vehicle was acquired by the respondent No.2 to meet the emergent situation in the wake of COVID-19 Pandemic and Imposition of Section 144 in the District by the local Administration. Subsequently the respondent No.2 has vide order dated 26.06.2020 ordered to return back the vehicle to the respective Office which in the instant case would be to the petitioner. However, though more than six months have passed, the vehicle till date has not been received back by the petitioner or its office but it seems to have been retained back without any authority by the respondent No.4.

5. This Court does not find any good reason why the respondent No.4 who retained the vehicle when there is a specific order by the District Collector to return it back to the concerned office. If at all, if there is any move by the State Authorities for recalling the earlier allotment that would be on the administrative side as and when a decision is taken but as long as vehicle stands allotted to the office of the Integrated Child Development Department, the vehicle has to go to the said department after the order of the respondent no.2 to the concerned office till the fresh order is passed.
6. Under the circumstances, the writ petition stands disposed of directing the respondent No.2 & 4 to ensure that the said vehicle bearing Registration No. CG02 7430 is handed over back to the office of the Integrated Child Development Scheme where the petitioner is working on the post of Project Officer at the earliest preferably within a period of 10 days from the date of receipt of copy of this order.
7. Respondent No. 2 to also look into the conduct of the respondent No.4 in withholding the vehicle without any official order.
8. With the aforesaid observation, the petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit