

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5451 of 2020

1. Satish Kumar Chelak S/o D.D. Chelak Aged About 50 Years R/o H.I.G. 285, Borsi Colony, Durg, Tahsil and District- Durg (CG).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Department Of Water Resources, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (C.G.).
2. Engineer In Chief Water Resources Department, State of Chhattisgarh, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
3. Superintending Engineer E/m, L/M, T/W And Gates, Water Resources Department, Shivnath Mandal Durg Divisin, Durg, District- Durg (C.G.)
4. Executive Engineer, Light And Machinery, Nulkoop And Gate, Division Durg, District- Durg (C.G.)
5. Sub Divisional Officer L/M, T/W And Gates Water Resources Department, Division Durg, District- Durg (CG).
6. Shubham Mishra Assistant Engineer, Posted In The Office Of Superintendent Engineer, Electricity/machinery Division, Water Resources Department, Raipur, District- Raipur (C.G.).

---Respondents

For Petitioner	:	Shri Jitendra Gupta, Advocate.
For State	:	Shri Amit Buxy, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.01.2021

1. The challenge in the present writ petition is to the order dated 28.11.2020 by which the respondent No.6 has been posted as Sub Divisional Officer (in short, SDO) of E/M, L/M, T/W and Gates Division at District Durg.
2. At the outset, this court is of the opinion that the petitioner does not have any right to challenge the impugned order for the reason that the petitioner substantively is a Sub Engineer being senior most officer at the said place was given the charge of Sub Divisional Officer. Now, vide the impugned order the respondent No.6 who is substantively an Assistant Engineer, has been sent as SDO of the said division.
3. The basic grievance of the petitioner is that the said order has been made to circumvent the orders passed by this court in the earlier round of

litigation. This, cannot be said to be a sustainable ground for the reason that the impugned order reflects that the respondent No.6 is substantively an Assistant Engineer and has been sent as SDO and that the petitioner presently was only discharging the duties of SDO as incharge. Moreover, from the impugned order what is also reflected is that there is no change of place of posting of the petitioner. The petitioner continues to discharge his duties at the same place on the same substantive post that he was holding and as such there is no action which has adversely affected any of the rights of the petitioner with which he would have a grievance. There is no indefeasible right created upon a person/employee to claim for being appointed/posted as incharge of a division unless he is the senior most person in the cadre at the said place.

4. For all the aforesaid reasons, the writ petitioner being devoid of merit deserves to be and is hereby rejected.

Sd/-
(P. Sam Koshy)
Judge

inder