

Dr. Pramod Tiwari Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Aug. 21, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: R.K. Kesharwani, Sunita Jain

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. Heard.

2. The petitioner has challenged order dated 07/07/2018 on the ground that after revocation of suspension, he has been posted at a place, different

than the place wherefrom he was suspended.

3. Learned counsel for the petitioner submits that upon revocation of suspension, the petitioner is liable to be posted at the same place and this issue is

no longer res integra and decided by this Court in number of cases including Bhopal Tande vs. State of Chhattisgarh and others (W.P.(S) No.2498 of

2015 decided on 10/08/2015).

4. On the other hand, learned State counsel submits that though place of posting of the petitioner, after revocation of suspension, is different but it is in

the same division and the place is not far off.

5. The distinction pointed out by the learned State counsel is not material. The principle laid down in the case of Bhopal Tande (supra) is that once

suspension is revoked, the employee is liable to be posted at the same place where he was posted at the time of issuance of the order of suspension.

The impugned order so far as the place of posting is concerned stands set aside.

6. In view of above, at this stage, this petition is disposed off with a direction that the competent authority shall post the petitioner at the same place

from where, he was suspended. Thereafter, it will always be open for the competent authority to transfer the petitioner in exigency of service.