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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (S) No. 7069/2008**

**DB: HON'BLE SHRI SUNIL KUMAR SINHA &  
HON'BLE SHRI T. P. SHARMA, JJ.**

**PETITIONER**

Vashishth Narayan Singh, son of late  
Shri Baleshwar Singh, aged about 58  
years, presently working as Driver,  
Office of Chief Medical and Health  
Officer, Ambikapur, resident of  
Navapara, Ambikapur, Distt. Sarguja  
(C.G.)

***Versus***

**RESPONDENTS**

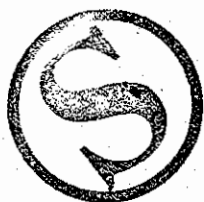
- 1 State Govt. of Chhattisgarh,  
Through the Secretary, Transport  
Department, D.K.S. Bhawan, Raipur  
(C.G.)
- 2 The Special Secretary, Transport  
Department, D.K.S. Bhawan, Raipur  
(C.G.)
- 3 The Managing Director, Chhattisgarh  
State Infrastructure Development  
Corporation, Transport Department,  
Raipur, Distt. Raipur (C.G.)
- 4 The Divisional Manager,  
Chhattisgarh State Infrastructure  
Development Corporation, Divisional  
office, Bilaspur, Distt. Bilaspur (C.G.)
- 5 The Chief Medical and Health Officer,  
Ambikapur, Distt. Sarguja (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF  
INDIA**

**Appearance:**

Shri V.K. Pandey, Counsel for the Petitioner.

Shri Kishore Bhaduri, Additional Advocate General for the  
State/respondents no:1, 2 & 5.



W.P. No.7069/2008

**ORAL ORDER**  
**(19.12.2008)**

Following order of the Court was passed by  
**Sunil Kumar Sinha, J.**

Heard on admission.

Petitioner Vashishth Narayan Singh has filed this petition challenging the conditions of deputation, particularly condition No.8 mentioned in the document (Annexure P-2) and also challenging the office order dated 24.1.2008 (Annexure P-1), according to which, he has been proposed to be superannuated on 31.12.2008 after completion of 58 years of service on the ground of his date of birth as 01.01.1951.

Learned counsel for the petitioner submits that the petitioner was initially working in M.P. State Road Transport Corporation and after reorganization of the State of M.P., he was sent to State Garage, Raipur. He submits that thereafter by an order dated 31.7.2004 (Annexure P-4) he was sent on deputation to the Health Department and was posted in the office of respondent no.5. He submits that according to the deputation memo dated 10.12.2007 (Annexure P-6) issued by the Transport Department to all the Department Heads, the service of the petitioner had to be absorbed in the Health Department but the process of absorption could not be completed and ultimately an order of superannuation of the petitioner on completion of 58 years has been passed. He submits that if the petitioner is absorbed as per the memo dated 10.12.2007 (Annexure P-6), his services would be governed by the Rules of the State, on which, he would retire after completion of 60 years and in this manner, he will get the benefit of two years. He submits that for absorption, a representation has been made on 31.5.2008 but no action has been taken on the said representation. For the present, he prays that this petition may be disposed of with a direction to the respondents to dispose of his representation for absorption filed on 31.5.2008 (Annexure P-7) within the stipulated period, so that, in case the representation is allowed, the petitioner would get the benefit of two years. This limited prayer made by learned counsel for the petitioner is not opposed by the Addl. Advocate general appearing for the State and other respondents.



Accordingly, this petition is disposed of with a direction that the petitioner, if so advised, may file another copy of representation (Annexure P-7) alongwith a copy of this writ petition and the order passed by this Court on today before the respondents within a period of 7 days from today and if such a representation is filed, the concerned authority shall dispose of the same at the earliest preferably within a period of 4 weeks from the date of receipt of representation and the result shall be communicated to the petitioner.

With the above observations, this petition stands finally disposed of at the motion stage itself.

C.c. today itself.

Sd/-  
Sunil Kumar Sinha  
Judge

Sd/-  
T.P. Sharma  
Judge

Rao