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SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3588 OF 2010

PETITIONERS

1. K.P. Dahayat S/o Late Shri Ram Kripal Dahayat, aged about 47 years, occupation- service, posted as Assistant Engineer, Municipal Corporation, Korba, R/o Quarter No. G-24, Nagar Nigam Colony, Kosabadi, Korba (CG).
2. Pramod Jha S/o Shri S. Jha, aged about 45 years, occupation- service, posted as Assistant Engineer, Municipal Corporation, Korba, R/o Quarter No. MIG 12, Nagar Nigam Colony, Kosabadi, Korba (CG).
3. Dharendra Kumar Singh S/o Shri Balwant Singh, aged about 45 years, occupation- service, posted as Assistant Engineer, Municipal Corporation, Korba, R/o Quarter No. G-10, Nagar Nigam Colony, Kosabadi, Korba (CG).

P.R. No. 3876/2010
 Presented by S. R. Kaur
 dated 15/7/2010

VERSUSRESPONDENTS

1. State of Chhattisgarh, through Secretary, Urban Administration & Development Department, D.K.S. Bhawan, Raipur, District-Raipur, (C.G.),
2. The Under Secretary, Chhattisgarh Government, Urban Administration & Development Department, D.K.S. Bhawan Raipur, District-Raipur, (C.G.),



3. Commissioner cum Director, Directorate of Urban Administration & Development, Chhattisgarh, Raipur, District-Raipur, (C.G.).
4. Deputy Director, Sthaniya Nidhi Sum Parikshak, Korba, District-Korba, (C.G.).
5. The Collector, Korba, District Korba (CG).
6. The Joint Director, Urban Administration and Development, Regional Office, Bilaspur (CG).
7. Commissioner, Municipal Corporation, Korba, District-Korba, (C.G.).
8. The Deputy Director, Esthaniya Nidhi Sappariksha, Ghantaghar, Korba, District- Korba (C.G.).

WRIT PETITION U/A 226 OF THE CONSITITUTION OF INDIA



HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3588 of 2010

PETITIONER : K.P.Dahayat & Others.
VERSUS
RESPONDENTS : State of Chhattisgarh & Others.

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Sunil Sahu, Advocate for the petitioner.
Shri Ajay Dwivedi, Deputy Government Advocate for the
respondent No. 1 to 6 and 8.
Shri B.D.Guru, Advocate for the respondent No. 7.

ORDER (ORAL)

(Passed on 30th day of June, 2011)

1. Learned counsel appearing for the petitioners submits that the petitioners were promoted to the post of Assistant Engineer (Civil) from the post of Sub Engineer, vide order dated 20.06.2008 (Annexure P/3). Later on, without affording any opportunity of hearing, the said promotion order was suspended vide order 29.09.2009 (Annexure P/1). Thereafter, by order dated 13.07.2010 (Annexure P/2), the petitioners was transferred from Korba to Bilaspur, on the post of Sub Engineer.
2. Shri Sahu next submits that the instant petition is squarely covered by a decision of this Court in *Sheel Chand Jain & Another v. State of Chhattisgarh & Others*¹ and other connected matters, wherein this Court, has set aside the order of cancellation of promotion.
3. Shri Dwivedi, learned State counsel does not controvert the submission made by learned counsel for the petitioner and submits that in the above facts and circumstances, the impugned

transfer order requires to be modified as it is indisputable that by the impugned order, they were placed on a lower post.

4. In view of the above stated facts and submissions made by learned counsel appearing for the parties, the impugned orders dated 29.09.2009 (Annexure P/1) and 13.7.2010 (Annexure P/2) in respect of the petitioners, are quashed reserving liberty to the State to pass order afresh, if so advised, in public interest and administrative exigency.
5. With the aforesaid observation and direction, the writ petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge