

(2008) 11 AHC CK 0059
In the Allahabad High Court

Bachcha Lal Yadav

APPELLANT

Vs

The State of U.P. and Others

RESPONDENT

Date of Decision : 24-11-2008

Acts Referred:

Citation : (2009) 120 FLR 595

Hon'ble Judges : Rajes Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajes Kumar, J.—By means of present petition, the petitioner is challenging the order dated 30.5.2008 passed by the Secretary, Department of Women and Child Development U.P., Lucknow on the representation of the petitioner which was tied in pursuance of the order passed by this Court dated 5.5.2008 in Writ Petition No. 7916 of 2008.

2. The brief facts giving rise to the present petition are; that the petitioner was posted as Assistant Superintendent at Government Observation Home, Ashok Nagar, Allahabad. On certain allegation, he has been suspended. When he was suspended, he was attached with Deputy Chief Probation Officer, Varanasi Region, Varanasi and in his place Sri Raj Nath Ram, Assistant Superintendent was appointed on 24.5.2007. Thereafter, enquiry took place. After enquiry, vide order dated 16.1.2008, the petitioner was exonerated from all the charges. However, the petitioner was posted at Faizabad. Being aggrieved by the posting at Faizabad, the petitioner filed Writ Petition No. 7916 of 2008.

3. The said writ petition has been disposed of with the direction to the petitioner to file representation which has been decided by the impugned order. By the impugned order, the representation of the petitioner has been rejected. It has been said that at the time of suspension, the petitioner has been attached with Deputy Chief Probation Officer, Varanasi Region, Varanasi and in his place Sri Raj Nath Ram was appointed as Assistant Superintendent on 24.5.2007 and then

vide order dated 16.1.2008 he has been given posting at Faizabad where the post was found vacant.

4. Learned Counsel for the petitioner submitted that when the petitioner was exonerated from all the charges, he should be given the posting on the same post at Allahabad and he should not be posted at Faizabad.

5. Learned Standing Counsel states that it is not necessary that the petitioner should be reinstated on the same post and on the same place. He submitted that at the time of suspension, the petitions was attached with Deputy Chief Probation Officer, Varanasi Region, Varanasi which amounts that the petitioner has been relieved from Allahabad and after enquiry he was reinstated vide order dated 16.1.2008. He was given posting at Faizabad on the vacant post, therefore it is not a case of transfer from Allahabad to Faizabad but it is a case of posting after the reinstatement.

6. Having heard learned Counsel for the petitioner, I do not find any reason to interfere in the matter. Learned Counsel for the petitioner is not able to show any law that as a matter of rule, the petitioner should be reinstated on the same post and at the same place from where he has been suspended. A perusal of the impugned order reveals that when the petitioner was suspended he was attached with Deputy Chief Probation Officer, Varanasi Region, Varanasi. It means, at the time of suspension, he was relieved from Allahabad and was posted at Varanasi, therefore, his further posting is not a case of transfer from Allahabad to Varanasi. It is a posting on a vacant post.

7. In the circumstances, there is no reason to interfere in the matter. The writ petition fails and is dismissed.