

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2967 of 2015

- Tiharo Beck W/o. Late Kaushal Kumar, Aged About 58 Years
Hostel Superintendent, Karamchari Putri Chatravas Ambikapur,
R/o Ambikapur Civil & Revenue Distt. - Surguja (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Tribal Welfare
Department, Mantralaya, Mahanadi Bhawan, New Raipur Distt.
Raipur (Chhattisgarh)
2. The Assistant Commissioner, Tribal Welfare Department
Ambikapur Distt.- Surguja (Chhattisgarh)
3. Collector, Surguja, Ambikapur Distt. - Surguja (Chhattisgarh)
4. Block Education Officer, Ambikapur Distt. Surguja (Chhattisgarh)

---- Respondents

For Petitioner	Mr. Shakti Raj Sinha, Advocate
For Respondent /State	Mr. Y.S. Thakur, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

20/8/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner has assailed the order dated 24.02.2015, whereby, the earlier order dated 17.12.2014 (Annexure P/5) has been amended and the petitioner is now posted at Middle School, Asola Block Ambikapur.

(3) By order dated 17.12.2014, the petitioner was relieved of the charges of the Superintendent of the Girls Hostel, Ambikapur on administrative ground, as mentioned in the order and was sent back to

her original place of posting i.e. Middle School, Parradand, Block Ambikapur. However, since the post was not vacant at Parradand, the said order has been amended by the impugned order and now, the petitioner is posted at Middle School, Asola, Block Ambikapur.

(4) Learned counsel for the petitioner would submit that the petitioner is due for superannuation within two years and has undergone cardiac surgery in the year 2012-13 and is obtaining treatment at Ambikapur, therefore, the impugned order deserves to be interfered.

(5) Per contra, learned counsel for the State would submit that the Middle School at Asola is hardly 10-12 km. away from Ambikapur.

(6) Ordinarily, a Government servant who is to retire within one year, is allowed to remain posted in the Home District. The petitioner's Home District is Ambikapur and even otherwise also, more than one year is left for her superannuation. Thus, this ground of challenge is not available to the petitioner.

(7) Since the original order speaks in express terms the reason for which the petitioner was required to be shifted from the post of Superintendent, this Court does not deem it appropriate to interfere in the matter.

(8) Accordingly, the writ petition is dismissed. However, it would remain open for the respondents to consider the petitioner's representation in accordance with law. Sd/-

Judge

(Prashant Kumar Mishra)