

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 4099 of 2015**

Smt. Rabiya Khan W/o Md. Abdul Khaliqe Khan aged 34 years working Food Inspector at Civil Supplies and Food & Consumer Protection Department Food Branch Kondagaon Blok Keshkal District Kondagaon (CG)

**---Petitioner****Versus**

1. State of Chhattisgarh through its Secretary Civil Supplies and Food & Consumer Protection Department Mahanadi Bhawan Mantralaya New Raipur P.S. Rakhi Raipur District Raipur (CG)
2. Director Directorate Civil Supplies and Food & Consumer Protection Department Blok-2 Third Floor Indravati Bhawan New Raipur (CG)
3. Collector Kondagaon District Kondagaon (CG)
4. Tezaab Singh Korram Food Inspector Food Department (Under Civil Supplies and Food & Consumer Protection Department) District Bijapur (CG)

**----Respondents**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For Petitioner       | : | Mr. Vinod Deshmukh, Advocate  |
| For Respondent/State | : | Mr. Dilmanrati Minj, Dy. G.A. |

**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****06/11/2015**

1. Learned counsel for the petitioner would submit that the petitioner was working as Food Inspector and she has been transferred from Kondagaon to Bijapur by order dated 26/09/2015. Learned counsel for the petitioner would further submit that circular relating to posting at scheduled area dated 20/10/2005 provides that the person/employee shall be posted at tribal area at the time of initial appointment and after completion of five years of service at tribal area, the employee can submit his option for posting at non-tribal area. In the present case, the petitioner has already rendered her

service in scheduled area for about six years and she is entitled to be transferred in place of her choice, as such, impugned order of transfer is bad in law.

2. Learned counsel appearing for the respondents would submit that petitioner has a remedy to approach before the Commissioner, Revenue Division for redressal of her grievances under the transfer policy.

3. Be that as it may, the petitioner is directed to make representation before the State Government, who in turn shall consider and decide the representation of the petitioner within a period of eight weeks from today keeping in view the circular dated 20/10/2005.

4. The effect and operation of the impugned order dated 26/09/2015 shall remain stayed till the representation of the petitioner is decided.

5. With the aforesaid observation/direction, writ petition stands finally disposed off. It is made clear that this Court has not expressed any opinion on the merit of the case.

Sd/-  
**(Sanjay K. Agrawal)**  
**JUDGE**