

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 2779 OF 2016**

Mariyam Tigga (wrongly mentioned as Mariyam Ekka in the impugned order dated 28.06.2016), W/o Shri Lalit Tigga, Age 56 years, Occupation Working as Project Officer in Integrated Child Development Project, Silphilli, Surajpur-II, District Surajpur (C.G.) R/o Patpariya, Dhobipara, Ambikapur, District Surguja (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through the Secretary, Department of Women and Child Development, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, P.O. Naya Raipur, District Raipur (C.G.) 492 002.
2. The Additional Secretary, Department of Women and Child Development, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, P.O. Naya Raipur, District Raipur (C.G.) 492 002.
3. Director, Department of Women and Child Development, Indravati Bhawan, P.S. Rakhi, P.O. Naya Raipur, District Raipur (C.G.) 492 002.

---Respondents

For Petitioner	: Mr. Sudeep Verma, Advocate
For respondent-State	: Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****11/07/2016**

1. Heard on admission.
2. This petition has been filed by the petitioner assailing correctness and validity of transfer order dated 28/06/2016 mainly on two grounds as below:-

- (i) The petitioner never made any request for her transfer yet she has been transferred showing on her own request.
- (ii) The State policy is to keep husband and wife at the same place subject to administrative exigency, has been ignored.

3. As far as second ground of keeping husband and wife together at the same place is concerned, is not made out looking to the facts and circumstances of the case. However, the first ground warrants indulgence of this Court.

4. It is found that the petitioner has not made any representation and it has not been brought to the notice of transferring authority, that she never made any application for her transfer.

5. The petitioner shall now submit representation before the competent authority within a period of 20 days. The competent authority shall decide the petitioner's representation and make an inquiry as to how the petitioner has been transferred on her own request. If upon conclusion, it is found that without any request made by petitioner, she has been transferred; the transfer order in respect of the petitioner shall be liable to be altered.

6. Till the inquiry is completed and speaking order passed by the competent authority on aforesaid factual aspect, the impugned order in respect of the petitioner shall not be given effect to and she shall be allowed to continue at her present place of posting.

7. With the aforesaid observation, the petition is finally disposed of.

8. This order shall lose its efficacy, if the petitioner does not file representation within a period of 20 days.

Sd/-
(Manindra Mohan Shrivastava)
Judge