

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5842 of 2016

Smt. Valsala Pillai W/o Late R. G. Pillai, Aged About 52 Years R/o
G-3, Nutan Colony, Sarkanda, Distt. Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue
Department, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. Collector, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
3. Board Of Revenue, Through Its President, Bilaspur, District
Bilaspur, (Chhattisgarh)
4. Commissioner (Revenue) Bilaspur Division, Bilaspur, Distt. Bilaspur,
(Chhattisgarh)
5. Smt. Asha Gajbhiye, Currently Working As Assistant Grade- II At
Revenue Board, Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Vaibhav Shukla, Advocate
For State/Respondents	:	Mr. D.R. Minj, Dy. G.A.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/10/2016

Heard.

1. The petitioner has filed this petition aggrieved by order dated 21.07.2016 by which the respondent No.5 is being posted in the office of Board of Revenue as Assistant Grade-II.
2. Learned counsel for the petitioner submits that earlier the petitioner filed a petition in the year 2012 aggrieved by non-consideration of her promotion to the post of Assistant Grade-II in the office of Board of Revenue, an interim order was passed by this Court on 22.01.2013 staying promotion. Now, the respondents in order to frustrate the claim of the

petitioner, transferred another Assistant Grade-II from Rajnandgaon to office of Board of Revenue.

3. The impugned order shows that by this order, Assistant Grade-III posted in various offices have been transferred. The respondent No.5 has been shown as Assistant Grade-II. There is nothing in the petition to show that the concerned officer does not substantively hold the post of Assistant Grade-II or the junior to the petitioner as Assistant Grade-III.

4. If that be so, no ground is made out for interference with the transfer order because the promotion to the post of Assistant Grade-II has been stayed by this Court on 22.01.2013 by which this Court has directed that if the State is considering to hold DPC for considering the employee of the same cadre for promotion to the higher post, that shall remain stayed. Therefore, the petitioner cannot raise any grievance that her claim has been frustrated.

5. The post of Assistant Grade-II is lying vacant and because of the interim order, this post cannot be filled up. Therefore, any other Assistant Grade-II posted in any other office could always be posted against the vacant post in exigency of service.

6. Therefore, I do not find any ground to interfere with the discretion of authority. The petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge